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CANADA



Debates of the Senate

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OFFICIAL REPORT
(HANSARD)

Wednesday, December 1, 2010

—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, December 1, 2010

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

AFGHANISTAN—FALLEN SOLDIER

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I would ask senators to rise and observe one minute of silence in memory of Captain Francis Cecil Paul, a fallen Afghanistan hero.

Honourable senators then stood in silent tribute.

SENATORS' STATEMENTS

MR. ALEXANDER COLVILLE, P.C., C.C.

CONGRATULATIONS ON NINETIETH BIRTHDAY

Hon. Donald H. Oliver: Honourable senators, one of Canada's living legends recently celebrated his ninetieth birthday. I refer to world-famous visual artist, Nova Scotia's own Alexander Colville.

On November 13, I was delighted to attend a reception in honour of Alex Colville at the Art Gallery of Nova Scotia in Halifax. The AGNS marked his ninetieth birthday with a commemorative exhibit of some of his work. The exhibit will be on display until February 20, 2011.

Alex Colville was born in Toronto in 1920, but soon moved his family to Nova Scotia, where he still lives with his wife of 60 years. He studied fine arts at Mount Allison University, where he graduated in 1942. Soon after, he travelled to Europe as an official war artist to record his artistic impressions of the Second World War. He returned to Canada after the war and taught at Mount Allison University.

In 1963, he finally decided to fully commit himself to his art. Soon his work — paintings, sketches and prints — would travel the world and become featured pieces in exhibits at home and abroad. He is considered one of Canada's most important realist painters.

One of his 1953 paintings, entitled *Man on Veranda*, was auctioned last week for \$1.3 million, setting a new record in Canada for a work by a living Canadian artist.

Mr. Colville's style combines surrealism and symbolism, blended with dream-like elements. His art is featured in many permanent collections in such cities as Ottawa, Halifax, Montreal, Paris, New York, Berlin and Vienna.

In a featured piece in *The Globe and Mail* on November 22, journalist Sandor Fizli described him as "arguably the best-known living Canadian painter."

Shannon Parker, the AGNS's curator of collections, said this about him:

Within Nova Scotia, he's not just this amazing painter that people know about far beyond our borders, but he's also someone people know. As a person and not just an artist.

For me, Alex Colville will be synonymous with talent, but above all, with compassion. In 1991, when my mother died, Alex Colville delivered a touching eulogy in her honour at her funeral. He saw in her a fellow artist whose creativity remained regrettably unfulfilled. I have his original handwritten notes of that eulogy framed and hanging in my office.

To this day, at age 90, Mr. Colville continues to sketch, draw and paint, still producing a few major pieces every year.

In a 2000 CBC interview, Mr. Colville was asked why his work was sometimes considered controversial. He said:

What troubles people about my work, in which they find mystery and intrigue, may well be the idea that ordinary things are important.

Honourable senators, one thing is certain: Alex Colville's interpretations of simple human situations have made him one of Canada's most important visual artists. He is an extraordinary Canadian and a living legend whose art is both inspiring and inspirational.

Please join me in wishing Alex Colville a happy ninetieth birthday.

THE LATE HONOURABLE DAVID C. (SEE-CHAI) LAM, O.C.

Hon. Vivienne Poy: Honourable senators, I rise today to pay tribute to the Honourable David C. Lam, the first Canadian lieutenant-governor of Asian descent, who served British Columbia from 1988 to 1995. David was a trailblazer, an entrepreneur, a community builder, a philanthropist and a dear friend. He passed away last week at the age of 87.

As lieutenant-governor, David remained a man of the people, unimpressed by pomp and ceremony. He fulfilled his duties with such enthusiasm that both he and his wife needed medical treatment for shaking thousands of hands.

David was born in Hong Kong, the son of a Baptist minister. He left a banking career there to immigrate to Vancouver with his family in 1967 because, he said, "the beauty of the city brought tears to my eyes."

Within 20 years, his entrepreneurship made him a fortune estimated at \$100 million. When he retired at the age of 60, he decided to give away \$1 million a year to Canadian institutions.

In an interview in 1987 with the *Vancouver Sun*, he said:

I have seen a lot of wealth — like gold, silver, diamonds and cash in the bank. But these are dead wealth. These are useless to me. True riches are of the mind.

• (1340)

Throughout his life, David combined the Confucian philosophy of harmony and moderation with evangelical Baptist theology. The result was a deep appreciation for values, education and simple beauty. He believed the key elements for prosperity and success for Canada lie in the quality of education, flexibility of the economy and the adaptability of the workforce.

His philanthropic endeavours were often aimed at building bridges between new Canadians from Asia and mainstream society. One example was the establishment of the David Lam Centre for International Communication at Simon Fraser University, which focuses on building intercultural understanding. David knew that ignorance can only be overcome if people really get to know one another. He said: "One can easily legislate against discrimination, but no one can legislate love."

In 1993, David told a reporter he wanted to be remembered as "a man who preached harmony, goodness and understanding." His lasting legacy to all Canadians is that wealth, whether monetary, spiritual or intellectual, needs to be generously shared.

Honourable senators, please join me in extending our sympathies to his family and to the province of British Columbia at the loss of a great man.

[Translation]

GREY CUP 2010

CONGRATULATIONS TO MONTREAL ALOUETTES

Hon. Leo Housakos: Honourable senators, I would like to congratulate the Montreal Alouettes on their big win!

[English]

The gridiron, for generations, has offered a test of endurance, skill and courage. Football provides an opportunity for athletes to display these attributes and to demonstrate for us the power of the human spirit. The Grey Cup is Canada's oldest professional sports trophy and is synonymous with football supremacy in this country. The Grey Cup has been awarded since 1909, beginning with the University of Toronto, and culminating this year with the Montreal Alouettes.

In this championship match the best of Canadian attributes — fortitude, persistence, bravery and honour — continue to capture our attention and imagination. Last Sunday, the Montreal Alouettes and the Saskatchewan Rough Riders competed for the Grey Cup and underscored these Canadian qualities yet one more time.

[Translation]

There could be only one winner. This time, to the great joy and pride of all Montrealers, the Alouettes claimed the victory for the second straight year.

[English]

Montreal has a long tradition of competitive sports, and the city has celebrated not only Grey Cup championships but also a succession of Stanley Cups. Indeed, we gave the world the game of hockey and helped to introduce football to North America.

[Translation]

On this special day, we are happy to celebrate the Montreal Alouettes' victory. Congratulations to the coaches, the players and their families on this big win!

[English]

There are really no losers when you are in reach of the Grey Cup so I also want to acknowledge the Saskatchewan Rough Riders for a splendid effort and for giving us a memorable game. However, this moment in history belongs to our Alouettes. We are so proud of you!

MIGRANT WORKERS

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak about the rights of thousands of migrant workers in Canada who work under our Temporary Foreign Worker Program. Just last week, I hosted a workshop that shed light on this important issue. This workshop was facilitated by Dr. Kerry Preiebisch and Ms. Evelyn Encalada. There it was brought to our attention that over 130 temporary migrant agricultural workers in Simcoe, Ontario, were dismissed from their jobs and sent home to Mexico and the Caribbean. Each of these workers was owed over \$1,000 in unpaid wages. When journalists and migrant rights advocates investigated the wage dispute, they found deplorable living conditions, including unheated, overcrowded bunkhouses and leaking sewage.

These men worked hard to provide for their families back home. They worked up to 12 hours a day, seven days a week for minimum wage. These adult men fought back tears as they told their stories of being unable to buy their children Christmas presents or even to feed their families in the absence of their expected wages.

Since migrant workers are forced to return home when their contracts end, or in this case when their contracts are broken, they cannot seek legal redress on Canadian soil. Even though each of the Simcoe workers paid hundreds of dollars in EI contributions this year, they cannot collect Employment Insurance benefits now

that they have lost their jobs. Therefore, these men were forced to return to their homes this week empty-handed and with broken spirits.

Honourable senators, injustices such as these happen across our country every single day. The rights and dignity of migrant workers are violated routinely because there is no legislation in place to systemically monitor employers and labour recruiters. These workers would go to great lengths to protect their opportunity to work in Canada, which is why they do not complain when they are refused health and safety training or equipment.

Many seasonal agricultural workers have worked hard for over four decades to put food on our tables and to sustain our vital agricultural industry. Despite the fact that they have spent more than half of their lives in our country, we offer them neither a chance to become permanent residents nor migrant support services.

Honourable senators, it is time for Canada to create protections for and to grant rights to all 300,000 temporary migrant workers who work in Canada under the Temporary Foreign Worker Program. It is time for the creation of an independent regulatory body, a migrant worker commission that can investigate and address the challenges of Canada's labour migration programs and protect Canada's legacy as a fair and just society.

We nourish ourselves with the food they produce; now we have to start protecting migrant workers' rights.

GLOBAL WATER SECURITY INSTITUTE

Hon. Pamela Wallin: Honourable senators, in my home province of Saskatchewan, water is a big deal because even with all of our key resources and commodities, we are still a farming province where rain and snowfall are vital, unpredictable and sometimes devastating. Many can still remember the heart break of the Dirty Thirties when the parched prairie topsoil literally blew away. Just this spring and again in the fall heavy rains and flooding left many with no grain in the bin.

Water and how to manage it is critical in a world with food and water shortages and insatiable energy needs. Canada has only 0.5 per cent of the world's population, but our land mass holds about 9 per cent of the world's renewable water supply; talk about a strategic resource.

At the University of Saskatchewan, a Canada Excellence Research Chair has been awarded, and the Global Institute for Water Security is being established with \$30 million in funding, \$10 million of which comes from the federal government. This institute will build on the University of Saskatchewan's already renowned water research program by recruiting 85 people to join the 65 researchers already there. Together, they will work on answers to the world's water challenges and train the next generation of water scientists.

Dr. Howard Wheat, Canada Excellence Research Chair in Water Security and head of the institute, is one of the world's leading hydrologists. He comes to Saskatchewan from Imperial College London. He is vice-chair of the World Climate Research Programme's Global Energy and Water Cycle Experiment, and leads UNESCO's arid zone water resources program.

Water research is a highly complex, interdisciplinary endeavour involving ecology, toxicology and hydrology. The Global Institute for Water Security will work together with partners at Environment Canada and at the Saskatchewan Research Council, and, of course, with industry. This is good news for the world because 900 million people have no access to safe drinking water, and 1.6 billion lack even basic sanitation, which requires a reliable water supply.

Honourable senators, the Canada Excellence Research Chair Program was established by this government in 2008 to attract the highest calibre of researchers and scholars; and that it is doing across disciplines. The program's aim is to put Canada at the leading edge of breakthroughs in priority research, to generate benefits for Canadians and to establish Canada as a location of choice for leading research in science and technology.

I congratulate the University of Saskatchewan for its leadership, for being awarded the Canada Excellence Research Chair and for establishing the Global Water Security Institute. I wish Dr. Wheat and his team the very best. It is about all of our futures.

THE HONOURABLE DANNY WILLIAMS

Hon. George J. Furey: Honourable senators, I rise to pay tribute to someone I have known all my life; someone who has always been on the other political side; someone who has, at times, been at political odds with me; but someone who has always been a great friend; and someone, honourable senators, whose family has always been friends with my family.

Danny Williams came to politics in Newfoundland and Labrador with great pride, great dignity and impeccable integrity. Despite his many achievements, this week he leaves all Newfoundlanders and Labradorians saddened by his departure but enriched by his gift to us of a share in this pride, this dignity and this integrity.

• (1350)

As premier of our province, Danny Williams was always steadfast in his desire to see all Newfoundlanders and Labradorians have a better life. Danny Williams was always steadfast in his desire to see our province flourish.

Early in his mandate as our premier, Danny Williams established a reputation for being a tough negotiator in the political arena. However, this same tough negotiator is both kind and generous when he sees people in need.

Danny Williams is never lost for words when negotiating with companies or other governments. Yet I have often seen this same hard-nosed negotiator left speechless by the beauty of our province's wonderful coastline; left speechless by the joy he takes in spending time with his grandchildren; and left speechless by the plight of the poor and the underprivileged.

The hallmark of his government and his governing style has always been about ordinary Newfoundlanders and Labradorians and ordinary Canadians. Danny Williams never was, and, dare I say, never will be, about the powerful, the wealthy and the influential.

Today, honourable senators, I want to say thank you to Danny Williams on behalf of myself, my family and my fellow Newfoundlanders and Labradorians. Thank you for having served us so selflessly and so well. Thank you for showing us all that with perseverance, spirit and integrity, we in Newfoundland and Labrador can claim our own special place in this great federation we call Canada.

Most of all, honourable senators, Danny Williams has shown us that politics can and should be about serving people, about rising above partisanship and doing what is best for those we serve. As he leaves this phase of his political career, no greater legacy can be left than by history recording that this man, Danny Williams, has made a difference.

Thank you, Danny, for being there and for your continued friendship.

INTERNATIONAL DEVELOPMENT RESEARCH CENTRE

CONGRATULATIONS ON FORTIETH ANNIVERSARY

Hon. Hugh Segal: Honourable senators, I rise today to pay tribute to the remarkable work of the International Development Research Centre, which is celebrating its fortieth anniversary this year.

In a host of areas and regions worldwide, Canadian expertise and resources have been deployed to assist partners in developing countries in the development of skills and best practices that help them build stronger countries and communities and move their countries and people up the development ladder. This Canadian support has been in the best traditions of Canadian foreign policy: ambitious as to goals; humble as to public posture; and respectful of the cultures, traditions and histories of the countries with which IDRC engages. This humanity and rigorous attention to issues of competence and empirical value for research has had huge impact worldwide.

In 1995, then South African President Nelson Mandela noted:

South Africans have benefited greatly from the IDRC's assistance.

Canada's IDRC worked closely with South African researchers to prepare for the end of apartheid and the transition to democracy based on an agreement for that purpose between Prime Minister Mulroney and Mr. Mandela himself. More than half the cabinet in the South African government after the historic 1994 election had participated in IDRC projects.

IDRC has supported research in Chile since 1977. It has helped the country develop strong research capabilities and improve government policies. IDRC grantees in Chile have contributed to policy-makers' understanding of the economy, labour markets, social service provision and key resource sectors.

Since the regional office opened its doors in September 1971, Asia has undergone dramatic change. IDRC research has helped with government policies focusing on the poor isolated communities, access to modern communication technology such as the Internet, and has been a huge part of the modernization of Asian democracies.

These are just a few examples of the many other projects of equal impact and import. The IDRC board has always had distinguished foreign nationals sharing their advice and expertise with Canadian members. The present CEO, David Malone, represents the very best of Canada's foreign service and international presence worldwide. He brings to his present role vast experience at the UN as our High Commissioner to India and Ambassador to Bhutan and Nepal.

Honourable senators, Canada's foreign service is not perfect — none worldwide are — but it is a vital part of the continuing Canadian presence that serves the enduring Canadian values of freedom, democracy, human rights, economic prosperity and social justice.

The International Development Research Centre is a free-standing Crown agency where research, foreign policy and development priorities blend to serve the broader world in a way of which we can all be proud. The IDRC is an agency of the Canadian way. It deserves our praise.

Congratulations and gratitude for 40 years of remarkable Canadian service for a better world and a compelling engagement to serve even more effectively in the future.

ROUTINE PROCEEDINGS

NATIONAL HUNTING, TRAPPING AND FISHING HERITAGE DAY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-465, An Act respecting a National Hunting, Trapping and Fishing Heritage Day.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

CONFERENCE OF PARLIAMENTARIANS OF THE ARCTIC REGION, SEPTEMBER 13-15, 2010— REPORT TABLED

Hon. Percy E. Downe: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary

Association regarding its participation at the Ninth Conference of Parliamentarians of the Arctic Region, held in Brussels, Belgium, from September 13 to 15, 2010.

I should like to inform the chamber that no honourable senators participated in this delegation.

[Translation]

THE SENATE

NOTICE OF MOTION TO URGE THE EUROPEAN UNION TO APPLY ITS POLICY ON THE PRESERVATION OF THE HARP SEAL TO THE PRESERVATION OF THE EASTERN ATLANTIC BLUEFIN TUNA

Hon. Céline Hervieux-Payette: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, whereas the scientific community considers that there is a threat to the sustainability of the Eastern Atlantic bluefin tuna (*Thunnus Thynnus*),

Whereas the International Union for Conservation of Nature (IUCN) has classified *Thunnus Thynnus* as in critical danger of extinction and has appealed for a moratorium on the fishery,

Whereas the European Union's environmental imprint on the Eastern Atlantic bluefin tuna stock is considerable, with France, Spain, Italy and Malta being the main harvesters of the young of this species,

Whereas the International Commission for the Conservation of Atlantic Tunas (ICCAT) has set a quota for 2011 that will give the bluefin tuna population only a 60% chance of recovering by 2022, even without taking into account the effects of poaching and of weaknesses in the catch declaration system,

Whereas the government of Canada, Canadian industry and Canadian scientists are working together to ensure that bluefin tuna stocks in the Western Atlantic can support a sustainable fishery,

The Senate of Canada urges the European Union to apply to the situation of the Eastern Atlantic bluefin tuna the moral values underlying the Union's new regulations on the seal hunt (even though the harp seal is not an endangered species), with a view to protecting the species *Thunnus Thynnus*, respecting scientific opinion and encouraging its member countries to implement an adequate policy guaranteeing preservation of the species for the generations to come.

• (1400)

[English]

QUESTION PERIOD

ENVIRONMENT

CLIMATE CHANGE POLICY

Hon. Grant Mitchell: Honourable senators, it is clear that the Government of Canada is going to do on climate change whatever it is that the United States government is going to do. Interestingly, the Government of the United States has just announced that, given the changes in Congress, they will not be able to do certain things, so they will regulate major emitters under their environmental protection legislation. While many people know about that, it was pretty clear that when the part-time Environment Minister, Mr. Baird, was asked about it, he did not have a clue what the issue was.

Could the leader give us some idea when the Prime Minister will put enough priority on the environment to actually appoint a full-time Minister of the Environment, or is he just happy having someone who has no time to do what needs to be done on that important file?

An Hon. Senator: Well, we are doing way more than you did.

Hon. Marjory LeBreton (Leader of the Government): Absolutely, honourable senators. Everything that we do is 100 per cent more than what was done before.

An Hon. Senator: That is right.

Senator LeBreton: The Honourable John Baird is the Minister of the Environment at the present time. He has a lot of experience in this portfolio. He picked up the file quickly following the departure of Jim Prentice, the former Minister of the Environment. Obviously, all of us are involved in the deliberations in cabinet. Mr. Baird stayed on top of the issues. He will go to Cancun next week and will represent the government as the Minister of the Environment.

Senator Mitchell: Given that the government takes all this credit for doing so much on climate change, it must have some measurements; it must have some report telling it how much it has actually reduced carbon emissions. After all, the Prime Minister actually gets reports on how many signs he has on stimulus projects. Surely he could have a report on how much carbon he has reduced.

To be fair, because the leader keeps throwing it up, could she tell us how much carbon all of their vaunted greenhouse gas programs have actually reduced over the last one or two years? Is that possible?

An Hon. Senator: Come clean!

Senator LeBreton: Imagine that! A Liberal telling a Conservative to come clean!

Senator Comeau: Let's get the brown paper bags!

Senator Di Nino: You should hide in shame — forever!

Senator Mercer: Are you allowed to talk to Brian yet?

Some Hon. Senators: Oh, oh!

Senator LeBreton: I said many times that Senator Mercer is in the wrong job. They should put him on a little tugboat in the harbour in Halifax and use him as a foghorn. He would be a lot more effective.

Some Hon. Senators: Oh, oh!

Senator Comeau: A good lighthouse. Man the lighthouse!

Senator LeBreton: Honourable senators, in Cancun, Canada will seek an outcome that includes commitments from all major emitters and reflects the balance achieved in Copenhagen in the only accord that includes all major emitters. I will get to the honourable senator's question on carbon in a minute.

The Copenhagen Accord has the support of 139 countries, representing approximately 85 per cent of global greenhouse gas emissions. It is important that we build upon this achievement. As the honourable senator knows, under the accord we committed to reduce Canada's emissions by 17 per cent below 2005 levels by 2020, which is in line with the United States' target. We are already working with the Obama administration through implementing the North American-wide regulations, as the honourable senator knows; and through important initiatives like the Clean Energy Dialogue. We are already harmonizing regulations in sectors such as light vehicles. In other areas, we are developing equivalency standards. As Minister Baird recently stated, this is the approach we will be using.

In terms of greenhouse gas emissions, one of the major initiatives of our government, as we announced in June, was to phase out dirty coal-fired power plants. This will significantly reduce emissions from that sector. I believe, honourable senators, that all major emitters will be going to Cancun with the goal of continuing with the Copenhagen Accord. After that, perhaps we will have a proper measuring mark from all countries on their reduction of greenhouse gas emissions.

Senator Mitchell: I think we have just been listening to a major emitter. Speaking of "fog," that would characterize that answer quite well.

There are 700 major emitters in this country. Of course, later in the week Mr. Baird said that he will regulate them because the U.S. is regulating them. Great. Can the leader tell us exactly when he will start regulating them? Is that in the plan? Do we have some schedule on that? Can she give us a date by any chance, or is Minister Baird too busy to come up with one?

Senator LeBreton: Honourable senators, we are working on a plan. When we are ready to announce it, we will announce it.

Senator Mitchell: I will keep asking about that.

Finally, just so Minister Baird does not use this problem as an excuse — the problem being that certain greenhouse gas trading regimes would cause net regional outflows that would

disadvantage a province like Alberta, if it were true — the C.D. Howe Institute, the market-driven, right-wing economic institute that the leader probably admires, has just done a study that indicates that this kind of trading regime can be done without net regional transfers. Could the leader make sure that Mr. Baird is aware of that new fact and analysis so that he does not use the excuse that he is just too busy to do what needs to be done on this important file?

Senator LeBreton: I can assure the honourable senator that Minister Baird does not need instructions from me or anyone else to be well aware of what any institute, including the C.D. Howe Institute, is saying. I am sure he is well aware of it. I do not need prompting from the honourable senator and the minister does not need prompting from me to read things that are important to his portfolio.

Hon. Bill Rompkey: Honourable senators, there is an immediate opportunity for the government to invest in the reduction of greenhouse gas emissions and in green energy if it were to assist with the development of the Lower Churchill project, which will be of benefit to all of the Atlantic provinces, including the province that Senator Comeau comes from. Actually, it will be a benefit to the whole of Canada. The construction industry is spread throughout Central Canada. It will have a great deal of interest and input into that.

The Government of Newfoundland and Labrador has asked for something like \$327 million from the Government of Canada. If the minister was prepared to cut the cheque today and to go to St. John's and make the presentation, the leader would make all four Atlantic provinces very happy.

Senator LeBreton: I thank the honourable senator for the question. I will be very happy to pass on that suggestion to the minister.

[Translation]

CANADIAN HERITAGE

LINGUISTIC DUALITY AT 2015 PAN AMERICAN GAMES

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the Pan American Games to be held in Toronto in 2015.

On November 29, an article in *Le Devoir* revealed that the linguistic failure of the opening of the 2010 Olympic and Paralympic Games in Vancouver could happen again at the Pan American Games in Toronto in 2015.

The article stated, and I quote:

... the agreement between the organizing committee and the government is no more specific than the agreement signed with Vancouver.

The article also said that this agreement does not reflect any of the recommendations made by the Commissioner of Official Languages.

• (1410)

My question for the Leader of the Government in the Senate is the following: Did the federal government learn its lesson from the linguistic fiasco during the opening ceremony of the Vancouver 2010 Olympic Games, when only one song was performed in French? Should the government not be more strict and far-sighted in order to respect linguistic duality?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, with regard to the Vancouver 2010 Winter Olympics, the government made record levels of investments to ensure that both official languages were incorporated into all aspects of the Games, including the Cultural Olympiad, the Olympic Torch Relay and every Olympic site.

The Commissioner of Official Languages told the Canadian Press earlier this year that, with the exception of the opening ceremonies, he was well pleased with the level of bilingualism at the Games.

Honourable senators, I have acknowledged in this place, as has the government, that the opening ceremonies were a disappointment. We expressed that, as did the Minister of Canadian Heritage, the minister responsible for the Olympics. That having been said, record levels of money and effort were put into the Vancouver 2010 Winter Olympics.

I hope that the planning committee for the Pan American Games will be mindful of what happened at the opening ceremony, and it was only at the opening ceremony of the Vancouver Winter Olympics.

[Translation]

Senator Chaput: I would like to thank the leader for her response. She acknowledged that I was talking about the opening ceremonies, which were a failure. That would not have happened had responsibilities been more clearly defined in the agreement between the federal government and Vancouver.

My next question is this: would it not be reasonable to include language clauses in the contribution agreement for the 2015 Pan American Games that more carefully delineate the obligation of funded organizations to ensure substantive equality between the two official languages?

[English]

Senator LeBreton: Honourable senators, I believe I have answered that question. With regard to the Vancouver Winter Olympics, despite massive efforts on the part of the government, and despite the fact that the Commissioner of Official Languages was well satisfied with everything that the government did and with all aspects of the Vancouver Olympics, there is no doubt that the opening ceremonies were a disappointment. I would not go so far as to say they were a failure; I would say they were a disappointment with regard to respecting the Official Languages Act and Canada's official languages policy.

I will certainly draw the honourable senator's comments to the attention of the Minister of Canadian Heritage so that when the organizers planning the Pan American Games meet with government officials, they will be reminded of the incidents surrounding the opening ceremonies of the Vancouver Winter Olympics.

[Translation]

Senator Chaput: I sincerely thank the leader for her response. When the leader discusses this matter with Minister Moore, will she ensure that language clauses will be detailed enough to prevent the same problem from happening again? There is still time; the games are not until 2015.

Can the leader ask the minister to make certain that the agreement is detailed enough to ensure that federal funding will be spent in accordance with requirements to respect linguistic duality and the equality of the official languages during these ceremonies?

[English]

Senator LeBreton: Honourable senators, I will be happy to pass on the honourable senator's comments to the Minister of Canadian Heritage. However, I must reiterate that, except for the opening ceremony, the Official Languages Act was fully complied with and fully respected at the Vancouver Winter Olympics, in all the venues and all the other events surrounding the Olympics. Proof of that is the positive report that was given to the services by the Commissioner of Official Languages.

[Translation]

FINANCE

QUEBEC—HARMONIZED SALES TAX

Hon. Francis Fox: Honourable senators, my question is also for the Leader of the Government in the Senate. Can the minister provide us with an update on the status of the discussions and negotiations between the Government of Canada and the Government of Quebec on the matter of the compensation owed to Quebec for harmonizing its sales tax? When we can expect a positive resolution to the issue?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I can only report, as the Minister of Finance has reported, that negotiations and talks are being held, which have been positive, although no conclusion has been reached. They are talking and they are working on this file and the dialogue has been positive. Other than that, honourable senators, I have nothing to report.

[Translation]

Senator Fox: The minister is telling us that she cannot assure us of a positive resolution, which surprises me. Can she comment on the fact that the Conservative government said "yes" to British Columbia and Ontario regarding compensation? So how could the government possibly deny Quebec compensation?

[English]

Senator LeBreton: As the honourable senator is aware, this is a completely different situation because of the way tax is collected in the province of Quebec. Again, honourable senators, this is a responsibility that falls to the Minister of Finance. The minister has reported that he has had very positive discussions with the Minister of Finance for the Province of Quebec. Having been a cabinet minister, Senator Fox would know that there is little more that I, as the Leader of the Government in the Senate, can add to this at this time.

[Translation]

Senator Fox: I have another question. The Leader of the Government in the Senate mentioned how taxes are collected. Is the manner in which taxes are collected really important to the outcome of this issue? Does it really make a difference if the tax is collected by the Government of Quebec, as it is now, or does it absolutely have to be collected by the Department of National Revenue? Is tax collection so deeply entrenched in the Department of National Revenue that it is the only body capable of collecting taxes?

[English]

Senator LeBreton: To give a very honest answer, honourable senators, this is not something that I am privy to and I will not comment. I will simply take the honourable senator's question as notice. I will ask the proper officials in the Department of Finance and the Department of National Revenue, who are the people responsible to answer this question. I will not enter into an area of jurisdiction about which I have little or no knowledge.

[Translation]

INDUSTRY

2011 CENSUS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. The second annual report on the implementation of the European Statistics Code of Practice, prepared by the European Statistical Governance Advisory Board, was released last week. One of the recommendations indicates that statistics laws must guarantee that statistical services can develop, produce and disseminate statistics independently and transparently. The report gives the example of Canada and its rejection of the mandatory long-form census to highlight the importance of the professional independence of statistical authorities.

Through this report, the international community is publicly deploring our management of statistics. How do you plan to restore Canada's reputation in this area, and what is your response to this report?

• (1420)

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I read the report with great interest and the government is not changing its position on the long-form census.

Senator Tardif: That is unfortunate because the report clearly states that statistics agencies should be able to operate without any government interference. Your minority government has chosen to ignore Statistics Canada, experts, professionals, provinces, organizations and municipalities by moving forward with its heavily criticized decision to scrap the mandatory nature of the long-form census. How can the government keep justifying this irrational measure?

The international community has noticed. Our reputation is now tarnished in yet another area. What is this government prepared to do if the findings of our National Household Survey prove to be what most are predicting: incomparable to previous years, tainted with non-response bias and significant lower response rates?

Senator LeBreton: The most important part of the honourable senator's question was one of the smallest words in the English language, "if," because she is assuming that Canadians will not fill out the voluntary household survey. I have indicated before that the survey has the same number of questions and will be more widely distributed.

We have every reason to believe that Canadians will fill out the voluntary long-form household survey, and that the information provided by the survey will be as valuable to all of the people who access the information as was the previous form. It is really a misnomer to say it was a mandatory long-form census. Mandatory is mandatory, like the short-form census which every Canadian is compelled to fill in. A long form sent to 20 per cent of Canadian households can hardly be described as mandatory, although that was the name given it.

We believe that the National Household Survey, with the same questions sent to a wider distribution of people, who will fill it out and return it without the threat of fines or harassment, will provide the information that is sought. I would caution Senator Tardif not to assume that if this or that does not happen someone will be upset. I think we should wait and give Canadians credit and trust that they will fill out the form as it is sent to them.

Senator Tardif: I am not assuming anything. This is a report put forward by the relative council of the European Parliament.

I have a third question on the census issue.

Senator Tkachuk: Oh, oh!

Senator Tardif: Would the honourable senator like to ask a question when our roles are reversed, perhaps?

Senator Mercer: They will be soon.

Senator Tardif: I have a third question on the census issue. Will the results of the new long-form survey be treated exactly like the old one? That is, will they be sent to Library and Archives Canada for permanent storage and safekeeping with the public allowed access after 92 years?

Senator LeBreton: Honourable senators, I will take the question as notice. Many jurisdictions in the world, including the United States and Great Britain, are getting out of the census business

completely. There were recent changes as a result of Senator Milne's efforts in the Senate. I will get an answer on that specific point from the Minister of Industry, who is responsible for StatsCan.

HEALTH

TOBACCO CONTROL STRATEGY

Hon. Grant Mitchell: Honourable senators, I want to ask a question on smoking. I hope I do not get a filtered answer, but I am not counting on it.

Science and research tells us that labels and warnings on tobacco packages must be changed periodically or people become inured to them. In fact, it is in the regulations that these changes should be made. Of course, cigarette companies do not want to make such changes because that would be negative marketing. It turns out that this Conservative government is actually quite happy to allow the tobacco companies off the hook by not requiring that they change these warnings.

Why is it that this government would side with cigarette tobacco companies against science and the health of Canadians when it will not cost the Canadian taxpayer any money to make the change?

Hon. Marjory LeBreton (Leader of the Government): I will give the honourable senator the unfiltered answer: That is a blatant falsehood and he knows it. The fact is we have committed \$15.7 million annually through our grants and contributions program under the Federal Tobacco Control Strategy to help people stop smoking, prevent youth from starting to smoke and to protect Canadians from second-hand smoke. Honourable senators heard the stories last week about the dangers of second-hand smoke.

With regard to the health warnings on tobacco packaging, unlike the senator's claim, Health Canada has not ended this program. Health Canada is looking into this whole issue of health warning on tobacco packaging and will arrive at a decision on how to proceed, whether to renew or to change. Health Canada has not closed the door on renewing the health warnings on cigarette packages.

Senator Mitchell: I guess they have not "closed the door" on doing something about climate change, either, but God knows how long we will have to wait for it.

The government has actually made a decision, and we know that and they know that. They said they will concentrate on doing away with contraband cigarettes instead, as if they could not do both at the same time. Do they not understand that they can do both at the same time? They can reduce smoking by virtue of things like warnings, which would reduce demand for contraband cigarettes, making the job easier.

Senator LeBreton: Senator Mitchell makes things up. Where on earth did the honourable senator ever get the idea that the government would simply concentrate on contraband tobacco and, somehow or other, not keep working through our grants and

contributions program to do everything possible to prevent young people from starting to smoke, encouraging adults to quit smoking and posting the dangers of second-hand smoke? I wish that Senator Mitchell would quit making things up.

Senator Tkachuk: Yes, quit making stuff up. You make stuff up all the time.

Senator LeBreton: Absolutely, and Senator Mitchell is the type of person that if he says it, being a Liberal, it is supposed to be fact.

Senator Tkachuk: Exactly.

Senator Mitchell: I was not going to use this pun because it is so obvious, but I must say that it is clear that, as per usual, the leader, in answering questions, is simply blowing smoke.

Can the government not understand that while they may be undertaking these measures they could take the next step of requiring cigarette companies, tobacco companies, to change their labels, reduce smoking potentially, reduce health care costs, all for free, for no cost to the Canadian taxpayer? Why is it that the government just cannot understand that?

Senator LeBreton: Senator Mitchell says that I am blowing smoke. He creates enough smoke spinning his wheels in uttering his ridiculous comments.

The fact is the government is committed to dealing with the issue of contraband tobacco and to the smoking cessation program. It is a "no-brainer," honourable senators, that any government, no matter what political stripe, would be doing everything possible to reduce the serious consequences of smoking on the health of Canadians.

• (1430)

Hon. Sharon Carstairs: Honourable senators, we come to this chamber and we pose questions based on information we have been given. We do not make up our questions out of thin air.

Some Hon. Senators: Hear, hear.

Senator Carstairs: The Minister of Health went to a meeting of the health ministers of all the provinces. The provincial health ministers were expecting an announcement about enhanced advertising on cigarette packages. The Minister of Health, despite the fact that the department had been working on this for months, announced there would be no such enhanced advertising on cigarette packages.

Will the Leader of the Government now suggest that all the provincial ministers of health are also "making it up"?

Senator LeBreton: First, there is no need to shout; I can hear perfectly well.

Senator Cordy: I do not think so.

Senator LeBreton: Honourable senators, I cannot answer for what ministers of health of the jurisdictions anticipated the Minister of Health would say. I can only answer about what the Minister of Health is doing. The Minister of Health is an outstanding minister who is working on many important fields. She is a great credit to our country and to the North where she is from.

ORDERS OF THE DAY

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I undertook yesterday to come back this afternoon with my ruling on the point of order that was raised yesterday.

Honourable senators, yesterday, during debate on the sixth report of the Standing Senate Committee on Banking, Trade and Commerce, a point of order was raised as to whether the report, which recommends that the Senate not further consider Bill S-216, was properly before the Senate. This concern arose from the fact that the committee had not gone through the bill clause-by-clause, a usual requirement under rule 96(7.1). That rule states that “[e]xcept with leave of its members present, a committee cannot dispense with clause-by-clause consideration of a bill.” Against this requirement, there is rule 100, which states, in part, that “[w]hen a committee to which a bill has been referred considers that the bill should not be proceeded with further in the Senate, it shall so report to the Senate, stating its reasons.”

[Translation]

There are relatively few instances in which Senate committees have used the process allowed under rule 100. Research has identified eight cases since 1975, of which the 1998 example of Bill C-220 is the most recent. According to the available records, committees have always made the decision to report against a bill without starting clause-by-clause study. That is to say, the basic issue of whether a committee considers that a bill should be proceeded with is decided, either explicitly or, most often, implicitly, before clause-by-clause. If the committee decides to make a recommendation under rule 100, it does not ever reach the clause-by-clause stage.

[English]

This helps to understand how rule 96(7.1), which was added to the *Rules of the Senate* in 2005, is to be used. This rule only applies if the committee actually gets to the stage of considering a bill clause-by-clause. If that point is not reached, because a committee decides to recommend against the bill pursuant to rule 100, the requirement of rule 96(7.1) does not come into play. To require that a committee must go through a bill clause-by-clause when it has already decided to report against the bill would be contradictory and inconsistent.

[Translation]

A review of the blues of the meeting of the Banking Committee on November 25, indicates that, although the term “dispense with clause-by-clause” was used at one point, this was quickly

corrected to “not proceed with clause-by-clause.” A motion to that effect was put to a recorded vote and carried. A report was then proposed, with a recommendation that the Senate not continue consideration of the bill. This report was adopted on another recorded vote. The proceedings, except for the passing reference to dispensing with clause-by-clause, which was corrected, were thus in order. Not proceeding with clause-by-clause when the committee is recommending against a bill is, as already noted, proper practice.

[English]

Honourable senators, as a ruling of September 17, 2009, noted, “[w]hile committees are often said to be ‘masters of their own proceedings,’ this is only true insofar as they comply with the *Rules of the Senate*.” This is in keeping with rule 96(7), which prohibits committees from adopting inconsistent special procedures or practices without the Senate’s approval, and also reflects points to be found at pages 1047-1048 of the second edition of the *House of Commons Procedure and Practice*.

This said, the practice in our committees has been that they are permitted considerable freedom in governing their proceedings. When there are concerns about the propriety of proceedings in committee, they should be raised at that time and that venue when corrective action can be more easily taken.

The ruling is that the sixth report is properly before the Senate, and debate can continue when the item is called.

Hon. Wilfred P. Moore: Honourable senators, I read the Speaker’s ruling as he went over it, and I did not see any reference to the fact that the committee —

The Hon. the Speaker: Honourable senators, there is no debate on the ruling. If the ruling is being appealed, then I should hear that the ruling is being appealed, but there is no debate on the ruling.

Senator Moore: Honourable senators, I do not want to challenge the Speaker, but I am concerned that things were not looked into. We had an agreement in the committee, two agreements —

The Hon. the Speaker: Order.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tardif, for the second reading of Bill S-204, An Act to amend the Criminal Code (protection of children).

Hon. Donald Neil Plett: Honourable senators, a few weeks ago I received a phone call from my brother in British Columbia who was calling to catch up and see how things were going in the Senate. When I told him I would be speaking to Bill S-204, the anti-spanking bill, he was shocked. His reply to me was, "Shouldn't you be worrying about a fragile economic recovery rather than wasting taxpayers' dollars and time telling responsible parents how to raise their children?"

Honourable senators, I must say I tend to agree with him. However, since our democratic process allows for any and all private members' bills to be presented, I will spend the next 40 minutes of taxpayers' dollars and time trying to explain why we should not allow responsible parents, parents who have brought children into this world, to responsibly correct and discipline their children.

Bill S-204, an Act to amend the Criminal Code (protection of children), seeks to repeal section 43 of the Criminal Code. Section 43 of the Criminal Code reads as follows:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

• (1440)

In 2004, the wording of section 43 was interpreted and significantly narrowed by the Supreme Court of Canada. This decision narrowed the situations in which the defence in section 43 of the Criminal Code can apply, setting out limitations that are consistent with both the Charter of Rights and Freedoms and the United Nations Convention on the Rights of the Child.

As a result, the defence is now open only to parents who can show they use reasonable force within the circumstances and that the force was minor, resulting in nothing more than trivial and trifling effects on the child. As a result of this ruling, since 2004 in Canada, the defence has not been available to parents where there are any marks on the child, where an object has been used, where force is used on the child's head, or where the child is incapable of learning from the correction.

There are inherent dangers in repealing the defence in section 43 as part of a ban on corporal punishment. As a government, we are inappropriately crossing a line into where the government, rather than the parent, is now determining how to raise a child.

It is my view that the current law, which has been upheld by the Supreme Court of Canada, represents the best balance to protect children from abusive parents, while also allowing responsible parents the decision in how they choose to raise their children. I do not believe that an outright repeal of the defence for parents in section 43 will result in a better balance than that already achieved by the Supreme Court of Canada.

Honourable senators, repealing section 43 of the Criminal Code goes beyond taking away a reasonable, responsible parent's ability to spank; it takes away their ability to parent. By repealing

section 43, general assault provisions of the Criminal Code would be applied to any parent, teacher or guardian who chooses to use force against a child without their consent. This means that a statutory defence based on reasonable correction could no longer be used.

Considering that section 265 of the Criminal Code prohibits non-consensual application of force and section 265 of the Criminal Code prohibits forcible confinement of another person without lawful authority, it raises a concern that by repealing section 43, the actions of parents would become criminalized if, for example, they physically put a child who is having a temper tantrum to bed or restrain an uncooperative child in a car seat.

Any person with small children will instantly realize how many times a day in the course of normal parenting non-consensual touching or the threat of it occurs. Ordinary everyday activities include dressing a child, feeding a child, getting them into a car, to school and back home, bathing a child and putting one to bed. Just think of a situation where a young child refuses to go to school. How is a responsible parent to get a child to school without picking up their child against their will and carrying them?

Honourable senators, this is not child abuse; this is normal, everyday, responsible parenting. The honourable senator in her speech to this chamber said:

Parents do not own their children. Children are individuals. Their protection should therefore take precedence over the protection of adults and over the imaginary risk of legal action against them. . . .

The honourable senator is correct in that, yes, children are individuals, but they are underage individuals and not yet capable of independent existence or making adult choices. In our society, until a child turns 18 and becomes an adult, parents are responsible for the well-being and protection of that child. While parents are responsible for their children, they should have the choice in how to parent that child.

The honourable senator throughout her speech to this chamber suggested that by spanking a child, a parent is being violent. Disciplining a child has nothing to do with abuse or violence. In Bill S-204, the honourable senator has unfortunately lumped both child discipline and child abuse into the same category. There is a marked difference between an open-handed spank to a child's bottom, where one has explained to the child why they are being punished, compared to a closed-fisted punch to the face that leaves a bruise. The former is discipline; the latter is abuse.

Let me be clear: There is a definitive line between punishing a child and abusing a child. Parents who abuse their children should be subject to the full force of the criminal law, but responsible parents punish their children, not abuse them. By repealing section 43, we are blurring that line and risk unduly charging responsible parents with criminal offences.

By repealing section 43, we are inappropriately crossing a line into where the government would be determining how to raise a child, rather than the parent.

As Dave Quist, the Executive Director of the Institute of Marriage and Family Canada, commented:

... we must ask ourselves, "Does the state have a role in the raising of our children?"

I believe that the state only has a role in limiting society's "rights and freedoms," if those "rights and freedoms" are deemed to be harmful to society and its members. There is no evidence that the state needs to interfere in this issue.

We must also be very careful in the conclusions drawn from research and studies done on punitive child punishment. In her speech, the honourable senator references several recent studies that claim that force is ineffective and even harmful in child rearing. Unfortunately, more often than not, these studies confuse correlation with causation, and have methodological problems. Also, these studies do not often offer a clear distinction between spanking and physical abuse, thereby skewing their conclusions.

The honourable senator mentioned in her speech to this chamber on June 10: "... a very broad study carried out by Statistics Canada, which indicates all the negative effects which I discussed in a previous speech."

What the honourable senator failed to mention about this study is that the study itself says:

It should be noted that these findings do not prove that punitive parenting practices caused aggressive behaviour, anxiety, or limited pro-social behaviour in the children.

The paper entitled "A Review of the Outcomes of Parental Use of Nonabusive or Customary Physical Punishment" in the *Medical Journal of Pediatrics* concludes that:

The most important finding of the review is that there are not enough quality studies that document detrimental outcomes of nonabusive physical punishment to support advice or policies against this age-old parental practice. Only 30 relevant journal articles were found from 1974 through 1995, an average of less than 1 1/2 per year. Next, many of the studies had methodological weaknesses, and the stronger ones were more likely to find beneficial outcomes of physical punishment. A particularly pervasive weakness was that no prospective or retrospective study controlled for the original frequency or severity of child problem behavior, which would be like studying cancer recurrences following radiation treatment without taking into account the severity or existence of the original cancer. More quality research is needed on nonabusive physical punishment. Public and private agencies should make quality research on the broader topic of parental discipline a top priority.

How parents use discipline tactics may be more important than which ones they consider off limits. Effects of physical punishment, as well as nonphysical punishment, probably depend on when and how parents implement it, its role in their overall approach to parental discipline, and the overall parentchild relationship. Other aspects of parental discipline may be more important indicators of dysfunctional parenting than whether parents spank or not.

• (1450)

Also, in the 2009 Akron Law Review, Jason M. Fuller of the University of Akron School of Law published an article entitled: "The Science and Statistics behind Spanking Suggest that Laws Allowing Corporal Punishment are in the Best Interests of the Child." In this article he outlines some of the issues with current spanking research, as follows:

... many spanking opponents begin their research with a conclusion, not a hypothesis. For instance, Dr. Murray Straus admits that his goal is to prove that spanking, 'by itself has harmful psychological side effects for children and hurts society as a whole.' Moreover, a review of spanking research suggests that eighty-three percent of the corporal punishment articles in clinical and psychosocial journals are 'merely opinion-driven editorials, reviews or commentaries, devoid of new empirical findings.'

When scientists begin their research already having formed a conclusion it's more likely that their bias 'will be confirmed, not amended or rejected, by the ensuing evidence.' Indeed, spanking opponents have been known to design studies that peculiarly suit their bias; they have been known to address problems with their research only in endnotes that few people read; and they have been known to simply not report data that are inconsistent with their hypothesis.

Throughout the honourable senator's speech she erroneously claims that spanking is "child rearing violence" and the violent application of force. I believe the honourable senator has misunderstood our current laws. As previously mentioned, since 2004, parents can no longer use the defence under section 43 of the Criminal Code where there are any marks on the child, where an object has been used, where there is force used on the child's head or where the child is incapable of learning from the correction. Under the current provision, technically speaking, "corporal punishment" of children is prohibited under Canadian law. Further, Webster's dictionary defines violence as "exertion of physical force so as to injure or abuse." With this in mind, it is quite clear that the honourable senator has failed to distinguish between child abuse and child discipline.

Abuse is when a parent intends to injure or harm a child; discipline is when a parent intends to guide a child's development, making it possible for them to learn from the experience and to take responsibility for their actions by showing them boundaries of what is acceptable or unacceptable behaviour. The *Sioux Star* commented in an editorial: "are we that dense as a society that we can't tell the difference between a corrective spank and abuse?"

The purpose of spanking is not to injure or abuse a child and should not be violent. Its purpose is to discipline a child for misbehaviour. Spanking should only be one part of a clear and consistent style of child discipline. I do not believe it should be the only form of child discipline. It is my belief that spanking should be controlled, structured and done in private. Spanking should not be done with malice or rage. It is about conveying a message: You have crossed the line; your behaviour is not appropriate. The reason for spanking should be explained. I believe it is very important to explain to a child why they are being punished

before spanking them. Spanking should also not be used to humiliate a child. It is my opinion that it should not be done in public, it should be done in the privacy of the home.

Honourable senators, in my time of a little over a year here in the Senate, I have taken note that there are a few senators who use personal stories to augment their speeches while addressing this chamber. In keeping with that tendency, I intend to make a few personal comments of my own and relay three short stories.

When my oldest son was 4 or 5 years old, he did something that I thought warranted a spanking. This would be the first time that he would be spanked, so as a young father I wanted the discipline to go just right. I took my son to our bedroom, sat on a chair with my son on my knee and explained to him that what he had done was wrong and, as a result, I would have to punish him by means of a spanking.

At this point my son was looking up at me with tears welling up in his eyes and he said to me, "Dad, I understand that you have to punish me, but I have to tell you one thing first." My feeling was that he should have an opportunity to defend himself, so I said, "Sure, son, what is it?" At this point he reached up, put his arms around my neck and said, "Dad, I just want to tell you that I love you." Needless to say, he did not receive a spanking that day. I am still not sure quite why he did not grow up to become a politician.

The next time he did something that warranted a spanking he tried this act again; however, it did not work this time. Generally speaking, I did not have to spank my oldest son very often in his life. I only used spanking as a broader way to discipline. However, the few times I did, it definitely did not have any adverse effects on him and definitely worked as a suitable disciplinary measure. Today he is a proud parent of two wonderful children and, in my opinion, has no psychological problems.

I do not believe that spanking has the same disciplinary impact on all children. As a parent you have to vary disciplinary measures for each child. For instance, my youngest son has a much different personality from that of my oldest, as was shown one day when I came home from work and my wife was quite upset with him. He was also about 4 years old at the time, had gone into the bathroom, pulled all our towels and linens down and strewn them across the bathroom floor. My wife said he was now refusing to pick them up and that I needed to deal with it.

I took my son by the arm, led him into the bathroom and told him quite forcefully that he needed to clean up the mess he had made. He looked me square in the eye and let out a defiant "no." At this point, I took him by the arm a bit more forcefully and again instructed him to clean up the mess, and if he did not I would have to spank him. He again looked me in the eye and exclaimed "no."

At this point I felt I now needed to spank him and proceeded to take him over my knee and give him a few swats on the behind. He began to cry. I again instructed that he needed to clean up the mess he had made. He still refused, so I put him back on my knee and spanked him a few more times. By this point we were both crying.

After I was finished, I again instructed him to clean up the mess. "No," he replied. By this time I am at my wit's end and I am thinking what am I going to do to make this child listen. I decided I would have to try something else. I looked at my teary eyed son and said, "Son, if I help, will you pick up this mess with me?" He instantly replied, "Yes, Dad, I will."

Honourable senators can see from this illustration that while spanking may be appropriate punishment for one child, it may not be for another. This is not to say that he got away in the future without spankings, but now he and his brother are successfully running a heating and plumbing company in Landmark — a little plug for my community. He and his wife are now expecting their second child. I am hoping it is a boy. He is not an advocate of spanking and they have a very well behaved and disciplined son.

Now I will go to a story about myself. When I was about 12 or 13 years old, I went to watch a local football game at my schoolyard. Being a teenager, I was not satisfied with simply watching the game, so I, along with a few other boys, decided we needed some cigarettes. There happened to be a house that was on the schoolyard and, knowing that the owner smoked, we decided to break in and steal some.

A few days after this incident, while I was coming home one evening, I was walking by my father's plumbing and heating supply store. He came out and instructed me to come into the store. Once inside he asked me if I knew anything about a local break-in where cigarettes were stolen. At this time I knew that the jig was up and admitted to my crime.

My father told me that he was going to give me a spanking. He told me to get onto a furnace that was on display so I was higher up and he could get better traction. He told me before he started that it was going to hurt him more than it would hurt me. After a sound spanking, he then made me go and apologize to the owner of the house and make restitution. I am not sure which was worse, the spanking or the apologizing.

Sitting by my dad's hospital bedside just a few weeks ago, days before he passed away, we were visiting and I reminded him of this incident and asked if he recalled the spanking. He said he most certainly did.

• (1500)

I then asked him if he still believed that the spanking had hurt him more than it had hurt me. At this time, with a smile on his lips he said, no, he did not think it had.

I am curious, honourable senators, how many of you received a form of physical discipline growing up? How many could say that this has emotionally scarred them or that they developed some violent disposition as a result? Looking around this chamber, I would say that most of us appear reasonably normal.

In my opinion, and in that of many Canadians, a parent should be free to decide how to discipline their child, as long as it is reasonable and not abusive.

In January 2004, on the night before the Supreme Court was due to rule on the legality of section 43 of the Criminal Code, a survey was conducted by SES-Sun Media of 1,000 people across Canada, gathering their current opinions on the use of force, such as spanking, by parents to discipline a child. This survey found that 64 per cent of the people surveyed supported the use of force such as spanking by parents to discipline a child. Only 7 per cent of respondents supported criminal charges for parents who spanked their children. This survey clearly shows that Canadians want responsible parents to have their own choice in how they choose to discipline their children.

Part of the problem in Canada is that there are extensive inconsistencies in our criminal justice system with regard to youth justice and parental responsibility. By repealing section 43 of the Criminal Code, we risk creating even greater inconsistency. On the one hand, three provinces — Manitoba, Ontario and British Columbia — currently have legislation in place that provides parental liability for actions committed by their children. These parental responsibility acts make parents civilly liable for any property damage caused by their children.

The Civil Code of Quebec also has a provision that deals with parental liability, where parents are liable for reparations, where there is injury, whether it be bodily, moral or material in nature, caused by their children. These provincial laws convey a message that parents have a responsibility over their child's actions.

Yet, on the other hand, one can get an abortion anywhere in Canada without parental consent. This conveys the opposite message, that parents have no place in their children's business.

An article in *Today's Family News* states:

Meanwhile, *Canadian Press* reported that Quebec Superior Court Justice Suzanne Tessier ruled on Friday that a divorced custodial parent had no right to deny his 12-year-old daughter permission to go on a three-day class field trip to mark her graduation from elementary school. His actions were meant to punish her for posting inappropriate photos of herself on the Internet after he had repeatedly warned her not to.

With her mother's backing, the girl challenged her father's actions in court, as she needed both her parents' consent in order to go on the field trip. Tessier found that keeping her from going was unduly severe punishment, as the girl and her parents are already caught up in a bitter custody battle. The father has vowed to appeal the decision.

National Post columnist Lorne Gunter called Tessier's logic "dumbfounding." "Here is a father," he wrote, "who has full-time custody struggling to keep his daughter from getting caught up in the whole world of Internet predators, while also dealing with all the issues of discipline and conflicted loyalties that arise from divorce, and now the court has made his task far more difficult."

The irony, as the *Ottawa Citizen* suggested, is that his behaviour ought to be applauded by those who oppose the use of even "reasonable force" to discipline a wayward child.

"This was hardly an instance of cruel or arbitrary authority. There was no abuse involved, not even close," it stated. "The father, it seems, used clear and consistent warnings, letting his child know that there would be consequences for inappropriate behaviour. This is how you raise responsible children who understand the results of their actions. It is an approach to discipline that should be encouraged, not outlawed by the state."

By repealing section 43 of the Criminal Code, we further risk eroding parental responsibility. It is not the government's place to decide how responsible parents choose to raise their children. I do not feel it is our place to tell responsible parents how to raise their children. Parents have a duty to fulfill their responsibilities to their children, and responsible parents do just that. Responsible, loving parents want what is best for their children, and want to raise productive members of our society. Responsible parents need and deserve to have room to parent, without the state looking over their shoulders. They deserve the choice in how they choose to raise their children.

The honourable senator suggested we follow Sweden's example of 30 years ago and prohibit the use of force in child-rearing. To quote an article from *Newsmax* written by Theodore Kettle:

A study entailing 2,600 interviews pertaining to corporal punishment, including the questioning of 179 teenagers about getting spanked and smacked by their parents, was conducted by Marjorie Gunnoe, professor of psychology at Calvin College in Grand Rapids, Michigan.

Gunnoe's findings, announced this week: "The claims made for not spanking children fail to hold up. They are not consistent with the data."

Those who were physically disciplined performed better than those who weren't in a whole series of categories, including school grades, an optimistic outlook on life, the willingness to perform volunteer work, and the ambition to attend college, Gunnoe found. And they performed no worse than those who weren't spanked in areas like early sexual activity, getting into fights, and becoming depressed. She found little difference between the sexes or races.

Another study published in the *Akron Law Review* last year examined criminal records and found that children raised where a legal ban on parental corporal punishment is in effect are much more likely to be involved in crime.

A key focus of the work of Jason M. Fuller of the University of Akron Law School was Sweden, which 30 years ago became the first nation to impose a complete ban on physical discipline and is in many respects "an ideal laboratory to study spanking bans," according to Fuller.

Since the spanking ban, child abuse rates in Sweden have exploded over 500 percent, according to police reports. Even just one year after the ban took effect, and after a massive government public education campaign, Fuller found that "not only were Swedish parents resorting to pushing, grabbing, and shoving more than U.S. parents, but they were also beating their children twice as often."

After a decade of the ban, “rates of physical child abuse in Sweden had risen to three times the U.S. rate” and “from 1979 to 1994, Swedish children under seven endured an almost six-fold increase in physical abuse,” Fuller’s analysis revealed.

“Enlightened” parenting also seems to have produced increased violence later. “Swedish teen violence skyrocketed in the early 1990s, when children that had grown up entirely under the spanking ban first became teenagers,” Fuller noted. “Preadolescents and teenagers under fifteen started becoming even more violent toward their peers. By 1994, the number of youth criminal assaults had increased by six times the 1984 rate.”

In closing, honourable senators, I would like to simply say that I thought I would go a step beyond just citing what adults have to say, so I thought I would ask a ten-year-old girl for her perspective on spanking.

My ten-year-old granddaughter was visiting not so long ago and, as she was sitting on my knee, I mentioned to her that she was such a sweet and well-behaved girl, helping her grandmother around the kitchen, helping her mother with her younger siblings, and so on. My granddaughter looked me in the eye and said, “Grandpa, I have not had a spanking in almost three years.” I explained that now she was too old to get a spanking. She replied, “Oh, no, I am not. If I do not behave, I still need to be spanked.” I countered with, “Well, maybe a timeout would be better.” She said, “No, timeouts are not scary and they have no merit.”

• (1510)

I asked my granddaughter if she would write me a letter outlining her views, and she agreed. The following is the exact wording of a 10-year old. This letter was given to me in a sealed envelope at our Thanksgiving dinner table; even her parents had not read the letter.

To whom it may concern:

My name is Emily Summer Plett. I am the daughter of Brad and Cynthia Plett, granddaughter of Senator Don and Betty Plett. I live at Camp Cedarwood. I am 10 years old and currently in grade 6. I love children and helping people such as the elderly. I can’t wait until I am old enough to babysit and one day become a mother.

When I become a mother I want my kids to be disciplined. I want them to do good in school, to be able to get a job, to be responsible and be good citizens. To discipline a child it is important to punish disobedience. There are different ways of punishing a child. While, for one, a time out would work, another might feel pushed away and left alone, and might at this time even plan to escape or pay his parents back.

I remember when my mom or dad would give me time outs. I would think how mean they were for sending me to my room all alone, instead of thinking about what I had done wrong. I think spanking is the most effective way of disciplining a child because the child will know that it hurts

to do the wrong thing, and when he grows up he won’t have to pay the consequences. For example, if a kid goes and steals from a friend and you spank him, he will know not to do that again.

Spanking is also a quick way of dealing with a problem and the kid can forget about it and go back and play. But parents should never spank without a reason. As I said before, for some kids it works to take something away or ground them, but others won’t learn unless it physically hurts. Therefore, parents should be allowed to choose the proper punishment for their children and spanking should not be disallowed.

I hope you have a great rest of the year!

Sincerely,

Emily Summer Plett

Honourable senators, does this sound like an abused child or someone who has not learned well? This sounds more like the words of a well-adjusted 10-year-old.

In closing, let me reference one more comment from the honourable senator’s speech where she quotes Alice Miller, a French philosopher and sociologist:

When you nurture a child, the child learns to nurture. When you reprimand a child, the child learns to reprimand. When you warn a child, you teach the child to warn others. When you chew them out, that is precisely what they learn to do. When you mock them, they learn to mock. When you humiliate them, they learn to humiliate. . .

I will simply add to that, when you discipline your child in love, you teach the child to discipline in love.

Hon. David P. Smith: Will the honourable senator accept a question?

Senator Plett: Yes.

Senator Smith: With regard to the story about the break-in to steal cigarettes and with regard to your health, I am curious, has the medical evidence sunk in on you? Have you seen the light or are you still smoking?

Senator Plett: Thank you very much for that question, senator. That is the last house I broke into and I stopped smoking about 30 years ago.

The Hon. the Speaker: Continuing debate?

Hon. Céline Hervieux-Payette: I would like to say I am speechless but I hope we will be able to discuss this question at the committee level.

Senator Cowan: She is asking a question.

Senator Hervieux-Payette: Maybe just a few questions to make sure that I understood your rationale. The first question would be, are you aware that the United Nations has never given us a clean bill with regard to this question of spanking because we still allow it in our country and 24 countries have banned spanking,

mostly OECD countries? Are you aware of that, because you quoted the United Nations charter but we do not respect the charter? Are you aware that we do not respect the charter?

Senator Plett: Honourable senator, I will speak to the second part of the question first. I wonder how many of those 30 nations who banned it entirely fall under the same category as Sweden, where obviously it did not work. On the first question, no.

Senator Hervieux-Payette: Honourable senators, I have another question: You were talking about “something else.” I would like to know why something else, when you love someone, would not work more efficiently than spanking.

Senator Plett: I thank you for that question. Very clearly, honourable senator, I think numerous times throughout my speech I said there were other methods of discipline. Certainly, in my own family illustration, I said one of my sons was not an advocate of spanking and he has a very well-behaved son because they used other forms of discipline — not to say that he has never spanked his son.

I very clearly encourage people to use other forms of discipline. I am only suggesting that a responsible parent should be given the choice, not be told how to discipline, because disciplinary tactics will work differently for one person versus another.

Senator Hervieux-Payette: Honourable senators, I have a third question. If you were doing the same kind of spanking for a young child who was staying at your home — either your neighbour’s child or some visiting children who were not behaving properly — what do you think would happen to you?

Senator Plett: I am not sure that I understood the question. Are you asking me what would happen to me if I would spank my neighbour’s child?

Senator Hervieux-Payette: Yes.

Senator Plett: Let me only suggest that if my neighbour spanked my child, I would certainly want to take action to find out why he spanked my child. I do not think anywhere in my speech did I even remotely suggest that we should allow our neighbours to spank our children.

I am responsible to raise my children, as you are to raise yours and as my neighbour is to raise his or hers. I would certainly take strong offence to my neighbour spanking my children.

Senator Hervieux-Payette: Honourable senators, I conclude that this would be considered a criminal act and that, at that time, you are not allowed to do that to anyone else but your child. Do you agree?

Senator Plett: I am not going to make reference to whether or not that would warrant a criminal charge. I suppose, depending on the circumstances and how forgiving a person I was, I might decide to forgive my neighbour. I am not sure. I think that is entirely hypothetical to ask me what I would do in a situation that, in my opinion, has never occurred to me.

Senator Hervieux-Payette: Honourable senators, I just wanted to remind Senator Plett, although the senator was not here, that

60 children came and studied the question of the bill in this house. This was recorded by some television stations. Of the 60 children, not one considered spanking the proper remedy for their conduct. They gave us a wide range of penalties that they could receive that, in fact, helped them to reflect on their infraction.

You have the testimony of your granddaughter; and I agree that probably everyone says, in the former generation, spanking was a means of discipline. However, I hope that in your province, you believe in the research of psychologists, psychiatrists and all the medical professions. They have all pronounced themselves against spanking.

What do we reply to these people who are responsible for the health of our children?

Senator Plett: First, honourable senator, I used the illustration of my granddaughter simply to imply or to give my view. It has not psychologically impacted on my grandchild negatively, nor did it on my children or on myself.

Do I believe that we should allow children to write our laws? No, I am sorry, I do not. I do not think that 60 children should be deciding, nor should my granddaughter decide what the laws should be. I asked her for an opinion, and I wish we would have had 61 children that day because there would have been one that would not have agreed.

Senator Hervieux-Payette: Honourable senators, this is my last question, and perhaps a remark. I hope that you want to refer the bill as soon as possible to the committee for further study. However, I was wondering if the second time you were spanking your son, did you see some marks your son’s bottom?

Senator Plett: No, I think they were worn off by then.

The Hon. the Speaker: Further debate?

Senator Plett: If I could, this is 30 some years ago, well before section 43 of the Criminal Code came into effect.

(On motion of Senator Carstairs, debate adjourned.)

• (1520)

[Translation]

GOVERNANCE OF CANADIAN BUSINESSES EMERGENCY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tardif, for the second reading of Bill S-205, An Act to provide the means to rationalize the governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada’s economic stability.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Gerstein is currently absent, and I see that this item has been on the Order Paper for 14 days. I therefore wish to move the adjournment in his name for the remainder of his time.

(On the motion of Senator Comeau, for Senator Gerstein, debate adjourned.)

REORGANIZATION AND PRIVATIZATION OF ATOMIC ENERGY OF CANADA BILL

SECOND READING—DEBATE SUSPENDED

Hon. Céline Hervieux-Payette moved the second reading of Bill S-225, An Act respecting the reorganization and privatization of Atomic Energy of Canada Limited.

She said: Honourable senators, I rise today to talk to you at second reading of Bill S-225, An Act respecting the reorganization and privatization of Atomic Energy of Canada Limited and providing for other measures relating to nuclear energy.

Having realized the indifference of the Conservative government towards strategic economic sectors in Canada and its emphasis on short-term political and financial gains, I decided to follow up on the recommendations made by the nuclear industry during the hearings on AECL this summer at the Standing Senate Committee on National Finance.

The solutions I propose in this bill aim to effectively reorganize AECL into a profitable organization that will be able to continue to benefit Canada. They also aim to boost confidence in this organization's ability to research, engineer, manufacture, install, repair and refurbish CANDU reactors at home and abroad.

[English]

AECL has contributed in more ways than one to our international reputation, our economy, and to the fields of medicine and nuclear physics. Despite these exploits, this corporation is at risk of being sold off without much consideration given to the benefits it has created for Canadians.

This week, the Government of Ontario decided to assert its confidence in Canada's nuclear industry by unveiling a long-term energy plan for the province. Ontario plans to refurbish 10 nuclear reactors and to build 2 new reactors. With an estimated cost of about \$30 billion to \$40 billion and job creations of around 25,000, this commitment is far from a small investment. If the Government of Ontario believes in Canada's nuclear technology, why cannot the Government of Canada believe? As time was running out to protect our nuclear industry, I decided one week ago to table Bill S-225 to save Atomic Energy of Canada Limited.

Bill S-225 aims to insure that one of our Crown jewels, Atomic Energy of Canada Limited, remains within the control of the federal government, while involving the private sector in a minority stake in order to raise capital and increase the

corporation's marketability of its reactor business. To remain competitive and expand in new markets, AECL must receive an influx of capital. However, this bill will introduce rules that will protect the nuclear industry from evaporating all profits and innovation into the hands of foreign entities.

[Translation]

Canada's nuclear sector is a \$6.6 billion per year industry generating \$1.5 billion in federal and provincial revenues from taxes and providing 71,000 jobs — 21,000 direct and 10,000 indirect, plus 40,000 spin-off jobs. It represents 150 firms and \$1.2 billion per year in exports.

For 48 years, Canada's nuclear industry has achieved an unparalleled record of safe, reliable and economical power generation in three provinces.

AECL has since operated as Canada's national nuclear research and development institution, contributing its science and engineering research capabilities in developing and supporting commercial CANDU products and service businesses, nuclear medicine and materials research for a wide range of industries.

Although we must address the issue of reorganizing AECL rapidly in order to reduce the negative impacts these delays are having on AECL and the thousands of small businesses that support it, I must emphasize that the unregulated sale of AECL to the private sector or foreign corporations could undermine our capabilities as a global leader in the nuclear field as well as put tens of thousands of jobs at risk.

The nuclear industry is a very select club; it is composed of roughly six big players that are in one way or another backed financially by a government. The need for government involvement in this sector is essential. The federal government is the only actor that can finance research and development that will keep AECL competitive globally. Furthermore, the federal government is the only actor that can safely regulate this sector in order for it to continue to benefit Canadians in the energy, medical and scientific sectors.

[English]

Honourable senators, time is of the essence with Bill S-225. The Canadian nuclear industry cannot lay dormant while it awaits the outcome of the reorganization of AECL. Faced with a government that wants to dismantle AECL, we must act now and achieve a positive outcome that will benefit the Canadian nuclear industry. The Canadian nuclear industry has been abandoned by the Conservative government, the Minister of Natural Resources and the Prime Minister.

Bill S-225 creates a new role for the private sector and AECL. With a 30 per cent stake, the private sector will be in charge of managing the corporation while the federal government, with its majority share set at 70 per cent, will ensure that decisions are taken in the best interests of Canadians and will ensure further investment in research and development in the nuclear sciences. The majority stake of the federal government in AECL will guarantee safety standards as well as preserve employees' pensions and ensure that employees can work in both official languages.

As stated by the dozens of witnesses heard by the Standing Senate Committee on National Finance during its study of Bill C-9, the omnibus budget bill, the world is on the cusp of a nuclear renaissance with an estimated 400 nuclear reactors to be built throughout the world within the next 20 years.

[Translation]

Signs of the incoming nuclear renaissance can be seen around the world. As of February 1, 2010, there were 54 nuclear reactors under construction, another 148 being planned and 342 being proposed. Canada can and should benefit from this renaissance in the form of job creation, innovation and investment in universities, businesses and communities. In fact, this will guarantee that Canada will train, in English and French, thousands of new engineers, nuclear physicists, welders and so on.

As a result, any action taken by AECL to expand into new markets should directly benefit Canadians. The government partnered with a minority-share-held private sector is the perfect solution to addressing all the problems that exist with the current structure of AECL.

As we have seen in the past, nuclear reactor sales have often been done with the meeting of heads of state, as was the case with AECL's last large deal between the Chrétien government and the Chinese government. AECL is truly a global corporation; Canada has sold CANDU nuclear reactors around the world, including in Argentina, Romania, South Korea, China, Pakistan and India.

• (1530)

Before certain senators opposite say that AECL is but a small player among other bigger corporations with different technologies, I would like to point out that AECL fills a void in the nuclear market and has effectively become an expert in a niche market. Just as Bombardier has become an important player in the market of small business jets, AECL has become synonymous with safe, efficient and reliable nuclear energy production using non-enriched uranium or recycled nuclear fuel in its heavy water reactors.

The nuclear industry in Canada employs roughly 70,000 people and is composed of academics, researchers, scientists, small businesses, utility companies, provincial governments and the federal government.

[English]

Canadian control of AECL is essential in preserving existing jobs and creating new ones. People in the academic field have often said that, without AECL, there would no be leading nuclear science faculties in Canada. Canada has trained many of its nuclear specialists in the many faculties our universities have. The loss of control of AECL to a foreign government would lead to the loss of new graduates in the field of nuclear science, along with a reduced need for parallel fields such as engineering, law, finance, et cetera.

Our competitors are funded by their governments and, as such, have immense monetary resources. They will not think twice about swallowing our talented workers in this field. Honourable

senators, you must think of this industry as nation to nation, and, if Canada will not defend our nuclear industry, another country will conquer it and take it as their own.

AECL is a strategic industry and, as such, demands protections that will ensure the safety of Canadians. Forfeiting this sector to another country would devastate our sovereignty and our ability to control critical infrastructures such as nuclear reactors. We cannot afford to eliminate our energy independence, nor can we accept foreign countries appropriating all our scientists and technologies.

[Translation]

Honourable senators, we have a duty as legislators to act in the best interest of our fellow citizens but we are occasionally confronted with the obligation to consider the best interest of the world. In an age of fragile world security, Canada must remain a strong voice on the international scene.

As we saw last month, the international community judged Canada harshly at the United Nations for its positions on the international scene. AECL is a perfect tool for a renewal of Canadian diplomacy around the world and as the torchbearer of the electrification of small and developing countries.

[English]

AECL is a strong diplomatic tool. The threat of nuclear proliferation is still very present. One only has to look at countries such as Iran, North Korea or even terrorist groups. AECL's CANDU nuclear reactors are the ideal product for exporting safe and reliable nuclear energy to developing countries because they use non-enriched uranium that cannot be refined into weapons grade material using the CANDU technology. This unique characteristic gives AECL's products a competitive edge versus ore technologies offered by other manufacturers and serves to preserve geopolitical balances of power in sensitive regions.

Moreover, Canada's reputation to provide leading edge technology without the political compromises that other companies might enforce gives CANDU reactors a special status when dealing with other countries that need more energy to develop their economies.

Bill S-225 also addresses another important component of AECL's mandate, which is to produce medical isotopes that are critical in treating and diagnosing a wide range of diseases. Canada provides over 50 per cent of the global supply of medical isotopes for nuclear medicine used in over 50,000 procedures per day, 5,000 of those in Canada. This bill will ensure that the federal government continues its responsibility to Canadians and to the world to insure a secure supply of medical isotopes. The recent medical isotope shortage illustrates the need for a secure and well managed supply of these diagnostic and treatment materials.

[Translation]

The government needs to make a public commitment to keep the Chalk River NRU reactor operational beyond the arbitrary date of 2016, as long as necessary and until secure alternative supplies of isotopes or alternative radiopharmaceuticals are proven and are in place.

Chalk River Laboratories remains Canada's nuclear research laboratory. It employs over 2,700 people, supports a scientific community of over 400 researchers and engineers from the Canadian industry, government and over 50 university departments across Canada. It also supports operations in a global network of neutron beam facilities, attracting collaboration with over 100 institutions from more than 20 countries.

[English]

The Minister of Natural Resources has even confirmed in a letter dated October 4, 2010, that one of the priorities of the Government of Canada is the secure supply of medical isotopes for the Canadian health care system. This is contrary to the same minister's position at the Standing Senate Committee on National Finance when admitting that the government was 100 per cent behind the sale of AECL. I ask you, honourable senators, when will this Conservative government take actions to stand up for the best interests of Canadians?

At the Canadian Medical Association's 2009 General Council, delegates adopted a motion that, in part, called on the federal government to retain Canada's leadership and ability to produce and export medical isotopes and reconsider its decision to withdraw from their production.

The government's decision to abandon Canada's international responsibilities and world leadership in this sector is counter to the government's own innovation and productivity agenda. Basing Canada's supply strategy on relicensing of the Chalk River reactor five years past its current licence, with no current guarantees that the plant will be operational and remain in production, in the absence of a contingency plan if, in 2016, alternative sources of supply and/or alternative emerging technology do not meet clinical needs, is unacceptable.

The government's decision to abandon Canada's long-standing international leadership in this sector is disheartening, and the absence of both immediate and medium-term solutions to address the current and impending challenges facing nuclear medicine is unacceptable.

The shutdown of Chalk River resulted in roughly 12,000 fewer medical exams using medical isotopes. This is unacceptable. AECL provides 70,000 people with a living and also ensures that thousands of Canadians stay alive. I do not need to remind honourable senators of the despicable comments of the former minister for natural resources, Lisa Raitt, proudly stating that the medical isotope crisis was "sexy" as an example of this Conservative government's disregard for Canadians' health. I invite you to remember this when you decide whether to support the bill.

[Translation]

Some of my honourable colleagues have insisted that AECL can be divided up without any impact on the quality of the research and products this corporation produces. This is ludicrous. AECL is all about interdependence: the interdependence of the NRU with the medical isotope business, the interdependence of AECL with

the support of the federal government and finally the interdependence of the thousands of small and medium businesses that create and supply tools and materials needed by AECL to effectively fulfill its mandate.

Furthermore, control of AECL by the federal government will guarantee that monies are invested in nuclear research. Research is by nature not a profit-making operation. However, it is morally necessary as well as being a critical element of the success of AECL's CANDU reactor business.

• (1540)

And control by the federal government will ensure that Canadians have a secure and reliable supply of medical isotopes, that our brightest nuclear scientists continue their research, which will lead to medical breakthroughs, and that AECL is better able to build class-leading nuclear reactors that are economical, reliable and safe.

[English]

I would like to set the record straight regarding figures that my colleagues opposite have often thrown around regarding the cost of AECL to the Canadian taxpayer. They have often claimed that AECL has gobbled close to \$20 billion of taxpayers' money in 50 years. Even if this figure were true, that would represent \$400 million per year. To put that into perspective, the Conservative government spent \$850 million for the two-day long G8 and G20 summits. That amount represents over two years of investment in AECL. One of these two things is a waste of taxpayers' money, and certainly AECL is not.

Does the Conservative government really want to abandon the 1.5 billion in tax revenue to the federal government and the provinces? I do not think I need to remind honourable senators that we have a \$50-billion-plus budget deficit.

To understand the true cost, we must separate investments in research and development from operational budgets. Research will never generate profits; it is an activity that is time-consuming, costly and requires highly specialized professionals to accomplish. The investments made in R&D have benefited the reactor business and will continue to do so for years to come. Our reactors are popular around the world, and steps must be taken to maintain our ability to satisfy a growing demand for nuclear energy.

Let me cite a witness at a Bill C-9 budget hearing this summer:

Argentina just passed a bill — it took longer than expected — through their congress in November last year to refurbish their existing CANDU reactor and also to build two new CANDU reactors. It was, so to speak, in our backyard. We had that job locked up, but they kept trying to get a signal from the Canadian government as to where they stood. If they did the restructuring, would they still be behind the business somehow? Would they still keep a piece of the company? They did not get any response and, frankly, they are fed up.

— and contemplating suing the federal government.

When will this government start aiding Canadians who need jobs during these hard economic times and protecting this proud Canadian industry? We have countries willing to buy our products, yet this government is telling them to go look somewhere else. This is beyond reason.

[Translation]

AECL is an organization working for the good of Canadians and humanity. Its discoveries are part of our heritage and our common intellectual property. Millions of dollars have been injected into nuclear research in Canada, which has resulted in discoveries heralded around the world. Some senators may cringe, but I will say to them that we must not repeat the mistake we made with the Avro Arrow. We must defend this industry tooth and nail and take steps to ensure that its renewal leads to prosperity rather than depriving the corporation of a place on the world stage.

If we support the reorganization of AECL by giving a solid minority interest to the private sector, Canada will remain a leader in nuclear science and will benefit from the looming renaissance of the nuclear industry. Developing countries such as China, India and Brazil have an insatiable appetite for energy and non-renewable resources. CANDU reactors are a means of meeting their energy needs, while mitigating the environmental impact of their energy consumption.

[English]

Our competitors are funded by their governments and, as such, have immense monetary resources. They will not think twice about swallowing our talented workers in this field. Honourable senators, you must think of this industry as a nation-to-nation business and, if Canada will not defend our nuclear industry, another country will conquer it and take it as their own.

[Translation]

Minister Paradis recently promised that a decision would be made in the near future. The government has already taken too long to table the options that have been under review for several years now. The government promised to submit all this information to parliamentarians for a frank and open discussion. While we are waiting to hear the government's suggestions, talented men and women are waiting impatiently for the government to take a rational position.

Innovative components have allowed for the modernization of current reactors, in terms of both design and composite materials, and new markets have opened up as a result of the new generation of CANDU reactors. Canada thus has the high level of expertise needed to meet the energy challenge facing humankind. Our nuclear industry is ready, and we hope that we can begin moving forward immediately.

[English]

Hon. Nicole Eaton: Will the honourable senator take a question?

Senator Hervieux-Payette: Yes.

Senator Eaton: I agree that research does not make money, but I find it interesting that the honourable senator wants the government to keep a majority share in Atomic Energy of Canada Limited. Is it because she wants to protect the unions in their negotiations for their new contracts coming up in the spring? Is protecting union employees the reason we are rushing?

Senator Hervieux-Payette: With an industry that has existed for 48 years, it never came to mind that the employees have lost their right to be unionized, whether it be in the private sector or the public sector. As far as I am concerned, that issue is not on the table.

Hon. W. David Angus: Would the honourable senator accept another question? I have a couple of questions for her.

Senator Hervieux-Payette: Yes.

Senator Angus: First, I want to congratulate her on her detailed, lengthy and informative speech and for highlighting the nuclear renaissance that is under way.

I think the honourable senator is aware that the Energy Committee travelled in the last weeks, not only to Chalk River, the research facilities and the NRU reactor, but also to the OPG facilities in Darlington and to the Bruce Power facilities up on Lake Huron.

It is unfortunate that some of the data the honourable senator based her speech on is out of date. For example, she said that the NRU produces 50 per cent of the world's isotopes. The real number, according to them, is 20 per cent.

I will ask my question of the honourable senator, because I am very confused about something. Is she against the sale of AECL or any part of it, period, or is she against the sale to a foreign sovereign nation?

I know well, and we in this chamber all know, of the honourable senator's great belief in the genius of the private sector and the entrepreneurial bent of Canadians. Is she against the private sector running the CANDU subsidiary of AECL?

Senator Hervieux-Payette: I know the honourable senator did not have time to read the bill, but I proposed 30 per cent ownership by the private sector. In my model, I refer a bit to the first phase of Petro-Canada. When we privatized part of it, we had private sector management and a board of directors.

I want AECL to remain in Canadian hands. However, I have also provided that 30 per cent of the 30 per cent could be held by foreign entities. For instance, if we were to partner with India, Canadian companies could be associated with another partner and go around the world and sell the units.

As far as I am concerned, I believe in the skill of the private sector on the marketing side, managing the corporation. However, I believe the government is the main salesperson in the deal. To close the deal, I think we need the federal government and we need the research. I do not see how we can reconcile the fact that we put x million dollars a year in research and development and not take advantage of the profitability of the enterprise.

Senator Angus: I have a supplementary question, if I may.

The committee will soon be reporting its findings from having visited these incredible plants. There is no doubt that we have an amazing nuclear industry here in Canada. The things we saw at Bruce Power, for example, which is wholly owned by the private sector and is getting things done, are most impressive.

• (1550)

Would the honourable senator be against a scenario whereby AECL remained a government entity and retained ownership of the Chalk River research labs and the NRU reactor; which, by the way, was never set up to be a commercial supplier of isotopes? It was only because they were generating isotopes. Today they just give the isotopes over to MDS Nordion, which was privatized by the great Brian Mulroney government, which the honourable senator will remember she was against. They are the ones who market and sell the isotopes.

The question I have for the honourable senator is this: Would she be against selling only the CANDU production, sale and maintenance business to the Canadian-owned private sector and the rest being retained in government hands?

Senator Hervieux-Payette: Yes, I would be against that and I will tell the honourable senator why: When we privatize a Canadian company that Canadian company can sell to anyone else; there are no limitations. That is where I have some reservations, and also because there is a security factor in this kind of business.

We are not dealing with a regular oil and gas company; we are dealing with nuclear power. As far as I am concerned, we are privileged to have a large stock of uranium, so we have the basic product to start with, and we have a lot of foreign investment.

As far as I am concerned, if I look at the French model that inspired me, I would like us to be able to compete with a large entity like that. If we are to support research and development, I do not see why the Canadian people cannot participate in the added value of the corporation because, in fact, taxpayers would become shareholders and would benefit like the private sector from that investment.

Hon. Michael A. Meighen: Honourable senators, I confess right from the start that I have not had the opportunity to read the bill.

Going back to the 30 per cent though, I wonder why the honourable senator stopped at 30 per cent. Why not 49 per cent or 51 per cent? Who would be likely to purchase 30 per cent, which is big enough to be a large sum of money but not enough to control? The exit strategy would be rather difficult because they would be selling a large portion of the company. I think 30 per cent is problematic. Perhaps the honourable senator has a reason for choosing that rather than something else.

Senator Hervieux-Payette: Since I want the company to remain in Canadian hands and not to be traded, I think the committee would be able to examine another model. I have to admit that I have no more shares of SNC but I was vice-president of SNC. While I was there, we were involved with Canatom. The president

of Canatom was a vice-president of SNC and was my neighbour. Therefore I have been familiar with the atomic energy industry for a long time. There is a place for companies, but I do not see any Canadian company that can get the billions of dollars for the research and development. I believe we should share the risk. If the committee thinks 40 per cent would be more appropriate the case can be built. It is my proposal. I thought this could be a start and we could discuss this option.

Hon. Elizabeth (Beth) Marshall: Would the honourable senator take another question?

Senator Hervieux-Payette: Yes.

Senator Marshall: I found the honourable senator's comments very interesting. I am on the National Finance Committee and we have heard many witnesses talking about Atomic Energy of Canada Limited. I would say most witnesses have indicated there are two things that the corporation needs; one is new direction and the other is an influx of private capital.

Does the honourable senator think that by the government having a majority share of the corporation there would be a new direction in the corporation?

My concern is if the government maintains a majority shareholder position in the company it would be more of the same. Does the senator think that splitting it 70-30 with the private sector would help materialize that required new direction?

Senator Hervieux-Payette: Nowadays in Quebec there is a law stipulating that boards are composed 50-50 of men and women. Head hunters are being asked to look for independent directors who can contribute to the future of a company. I suppose a new corporation would have to find a team of directors that would represent the business community well, including users and so on, and I do not see any conflict with the government having some directors on the board but not the majority of directors.

We did that with Petro-Canada. We did not have control of all the seats on the board. The board of directors gives direction to the corporation of where the corporation is to go. As far as I am concerned it is a partnership. I feel this kind of partnership would alleviate the risk because this is a risky business. We have seen with the Point Lepreau refurbishing that advancing to the next generation is a difficult task. Therefore we should accompany Canadian companies in that new generation of nuclear reactors. I feel it is a win-win situation if both the private and public sectors work hand-in-hand on this.

Senator Marshall: Would the honourable senator take a follow-up question?

Senator Hervieux-Payette: Yes.

Senator Marshall: When the honourable senator was talking about the 70-30 split, when the witnesses appeared at National Finance one of the other issues that kept coming up was this need for private capital.

Does the honourable senator think a private sector company will raise money to put into a corporation that is still controlled by the government? Governments historically do not have a good track record with regard to making money, and I am sure any private sector company would be interested in making money. I could see there would probably be an issue with regard to attracting people or attracting private sector companies to put their money in and then government having majority control. Does the senator have any comments on that?

Senator Hervieux-Payette: I took some time to think about that, but we have several examples in corporations in Quebec controlled by families. We have the Bombardier family that controls the company but they raise money in the public market. We have the Jean Coutu organization; we have Power Corporation. We have many examples in the private sector where a group of shareholders control the company with multiple votes. This has never prevented these companies from finding financial support from the business community. That situation of shareholders owning a majority and at the same time raising money already exists in the public arena, usually with pension funds.

Hon. Richard Neufeld: Will the senator take another question?

Senator Hervieux-Payette: Yes.

Senator Neufeld: I thank the honourable senator for her remarks. The situation with Petro-Canada was a little different. The Liberal government of the day decided to buy companies that were solvent, that were working and create a government-owned identity in the oil and gas industry. AECL is something totally different that started from absolute scratch as a government entity in Canada, going back many years and having done hugely good things.

When the senator talked about competitiveness and only the government could maintain that competitiveness, could she tell us why there has not been a sale of a reactor in 13 years when there have been sales of reactors around the world by other companies?

Second, I also sit on the National Finance Committee with Senator Marshall. I am alarmed that AECL requested over \$1 billion last year alone, to keep itself operational. I will use round numbers because I am not sure of the exact numbers. This year I believe it was \$402 million to start. Supplementary Estimates (B) just came in with another request for \$296 million, and we are not finished yet so we will probably be well over \$1 billion to keep something going.

There should be a rethinking of how we manage AECL, while keeping that industry and those people in Canada. I think they do

great work and I think we should keep them working. Their CANDU reactors are great. They tell us they are great and they use low-grade uranium. Why are they not being sold around the world? The senator says it is because government is the only one that can do it but they certainly have not demonstrated it and that is both a Conservative government and a Liberal government.

Maybe the honourable senator would respond to those observations, please, and tell honourable senators how much money we have to continue to put into AECL for the next 50 years if we were to keep it.

Senator Hervieux-Payette: Honourable senators, I hope that Senator Neufeld listened to my speech when I said Argentina is almost begging us to sell them two CANDU reactors. I have been travelling to countries with the Inter-Parliamentary Forum of the Americas and this question is often discussed. Even our ambassadors are embarrassed because when they are asked questions they cannot sell reactors because there is no response on this end.

In addition, an economic situation prevented that sale from going ahead. We need to think in terms of the cost per unit that this can produce, but we know that the other conventional means of producing electricity are in fact now making it possible. I believe Ontario is showing good judgment in deciding to build two new units.

We talk about the "rebirth," and we are not the only people using that term. The industry is saying that worldwide. We are on the verge and there is a lot of competition now. Russia and France are selling their units worldwide. If we want to make these investments and if we want this company viable, we have to let them market it. I believe and I trust it is a partnership.

Bruce Power and SNC could be two partners in that company, and there are enough countries in the world where sales can be made. However, a sales force is needed on the ground, doing business around the world but, at the same time, the support of the government is also needed because the final sale is made government-to-government. We know that EDC has intervened in terms of helping the financing, but if we could find \$9 billion for GM, which is an American company, I think we can find the money for the continued survival of AECL.

The Hon. the Speaker: Honourable senators, it being four o'clock, pursuant to the order adopted by the Senate on April 15, 2010, I declare the Senate continued until Thursday, December 2, 2010, at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned until Thursday, December 2, 2010, at 1:30 p.m.)

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

THE SPEAKER

The Honourable Noël A. Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable James S. Cowan

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Gary W. O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Kevin MacLeod

THE MINISTRY

(In order of precedence)

(December 1, 2010)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. Jean-Pierre Blackburn	Minister of Veterans Affairs and Minister of State (Agriculture)
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Chuck Strahl	Minister of Transport, Infrastructure and Communities
The Hon. Peter Gordon MacKay	Minister of National Defence
The Hon. Stockwell Day	President of the Treasury Board and Minister for the Asia-Pacific Gateway
The Hon. Vic Toews	Minister of Public Safety
The Hon. Rona Ambrose	Minister of Public Works and Government Services and Minister of State (Status of Women)
The Hon. Diane Finley	Minister of Western Economic Diversification
The Hon. Beverley J. Oda	Minister of Human Resources and Skills Development
The Hon. John Baird	Minister for International Cooperation
The Hon. Lawrence Cannon	Leader of the Government in the House of Commons
The Hon. Tony Clement	Minister of the Environment (acting)
The Hon. James Michael Flaherty	Minister of Foreign Affairs and Minister of State (National Capital Commission)
The Hon. Josée Verner	Minister of Industry
The Hon. Peter Van Loan	Minister of Finance
The Hon. Gerry Ritz	President of the Queen's Privy Council, Minister of Intergovernmental Affairs and Minister for La Francophonie
The Hon. Jason Kenney	Minister of International Trade
The Hon. Christian Paradis	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. James Moore	Minister of Citizenship, Immigration and Multiculturalism
The Hon. Leona Aglukkaq	Minister of Natural Resources
The Hon. Lisa Raitt	Minister for Official Languages and Minister of Canadian Heritage
The Hon. Rob Merrifield	Minister of Health
The Hon. Keith Ashfield	Minister of Labour
The Hon. John Duncan	Minister of Fisheries and Oceans
The Hon. Gary Lunn	Minister of National Revenue, Minister of the Atlantic Canada Opportunities Agency and Minister for the Atlantic Gateway
The Hon. Gordon O'Connor	Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency
The Hon. Diane Ablonczy	Minister of State (Sport)
The Hon. Lynne Yelich	Minister of State and Chief Government Whip
The Hon. Steven John Fletcher	Minister of State (Seniors)
The Hon. Gary Goodyear	Minister of State (Transport)
The Hon. Denis Lebel	Minister of State (Western Economic Diversification)
The Hon. Peter Kent	Minister of State (Democratic Reform)
The Hon. Rob Moore	Minister of State (Science and Technology)
	(Federal Economic Development Agency for Southern Ontario)
	Minister of State (Economic Development Agency of Canada for the Regions of Quebec)
	Minister of State of Foreign Affairs (Americas)
	Minister of State (Small Business and Tourism)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(December 1, 2010)

Senator	Designation	Post Office Address
The Honourable		
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	South Shore	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.

Senator	Designation	Post Office Address
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A. A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauson	Sainte-Foy, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Bert Brown	Alberta	Kathryn, Alta.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Fred J. Dickson	Nova Scotia	Halifax, N.S.
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothsay, N.B.
Michel Rivard	The Laurentides	Quebec, Que.
Nicole Eaton	Ontario	Caledon, Ont.
Irving Gerstein	Ontario	Toronto, Ont.
Pamela Wallin	Saskatchewan	Kuroki Beach, Sask.
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Daniel Lang	Yukon	Whitehorse, Yukon
Patrick Brazeau	Repentigny	Gatineau, Que.
Leo Housakos	Wellington	Laval, Que.
Suzanne Fortin-Duplessis	Rougemont	Quebec, Que.c
Donald Neil Plett	Landmark	Landmark, Man.
Michael Douglas Finley	Ontario—South Coast	Simcoe, Ont.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Vim Kochhar	Ontario	Toronto, Ont.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
David Braley	Ontario	Burlington, Ont.
Salma Ataullahjan	Toronto—Ontario	Toronto, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(December 1, 2010)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Ataullahjan, Salma	Toronto—Ontario	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Braley, David	Ontario	Burlington, Ont.	Conservative
Brazeau, Patrick	Repentigny	Gatineau, Que.	Conservative
Brown, Bert	Alberta	Kathryn, Alta.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude	Mille Isles	Saint-Eustache, Que.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauson	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Conservative
Dickson, Fred J.	Nova Scotia	Halifax, N.S.	Conservative
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Conservative
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Finley, Michael Douglas	Ontario—South Coast	Simcoe, Ont.	Conservative
Fortin-Duplessis, Suzanne	Rougemont	Quebec, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gerstein, Irving	Ontario	Toronto, Ont.	Conservative
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hervieux-Payette, Celine, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal
Johnson, Janis G.	Manitoba	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Kochhar, Vim	Ontario	Toronto, Ont.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
Lang, Daniel	Yukon	Whitehorse, Yukon	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Tracadie-Sheila, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Manning, Fabian	Newfoundland and Labrador	St. Brides's, Nfld. & Lab.	Conservative
Marshall, Elizabeth (Beth)	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oliver, Donald H.	South Shore	Halifax, N.S.	Conservative
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivard, Michel	The Laurentides	Quebec, Que.	Conservative
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Seidman (Ripley), Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Wallace, John D.	New Brunswick	Rothsay, N.B.	Conservative
Wallin, Pamela	Saskatchewan	Kuroki Beach, Sask.	Conservative
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A. A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(December 1, 2010)

ONTARIO—24

Senator	Designation	Post Office Address
The Honourable		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Anne C. Cools	Toronto Centre-York	Toronto
3 Colin Kenny	Rideau	Ottawa
4 Consiglio Di Nino	Ontario	Downsview
5 Michael Arthur Meighen	St. Marys	Toronto
6 Marjory LeBreton, P.C.	Ontario	Manotick
7 Marie-P. Poulin	Northern Ontario	Ottawa
8 Francis William Mahovlich	Toronto	Toronto
9 Vivienne Poy	Toronto	Toronto
10 David P. Smith, P.C.	Cobourg	Toronto
11 Mac Harb	Ontario	Ottawa
12 Jim Munson	Ottawa/Rideau Canal	Ottawa
13 Art Eggleton, P.C.	Ontario	Toronto
14 Nancy Ruth	Cluny	Toronto
15 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
16 Nicole Eaton	Ontario	Caledon
17 Irving Gerstein	Ontario	Toronto
18 Michael Douglas Finley	Ontario—South Coast	Simcoe
19 Linda Frum	Ontario	Toronto
20 Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville
21 Vim Kochhar	Ontario	Toronto
22 David Braley	Ontario	Burlington
23 Salma Ataullahjan	Toronto—Ontario	Toronto
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
The Honourable		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 W. David Angus	Alma	Montreal
5 Pierre Claude Nolin	De Salaberry	Quebec
6 Céline Hervieux-Payette, P.C.	Bedford	Montreal
7 Lucie Pépin	Shawinigan	Montreal
8 Serge Joyal, P.C.	Kennebec	Montreal
9 Joan Thorne Fraser	De Lorimier	Montreal
10 Jean Lapointe	Saurel	Magog
11 Raymond Lavigne	Montarville	Verdun
12 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
13 Roméo Antonius Dallaire	Gulf	Sainte-Foy
14 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
15 Dennis Dawson	Lauzon	Ste-Foy
16 Francis Fox, P.C.	Victoria	Montreal
17 Michel Rivard	The Laurentides	Quebec
18 Patrick Brazeau	Repentigny	Gatineau
19 Leo Housakos	Wellington	Laval
20 Suzanne Fortin-Duplessis	Rougemont	Quebec
21 Claude Carignan	Mille Isles	Saint-Eustache
22 Jacques Demers	Rigaud	Hudson
23 Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël
24 Pierre-Hugues Boisvenu	La Salle	Sherbrooke

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

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The Honourable		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	South Shore	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Terry M. Mercer	Northend Halifax	Caribou River
6 James S. Cowan	Nova Scotia	Halifax
7 Fred J. Dickson	Nova Scotia	Halifax
8 Stephen Greene	Halifax - The Citadel	Halifax
9 Michael L. MacDonald	Cape Breton	Dartmouth
10 Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
The Honourable		
1 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
2 Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila
3 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
4 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
5 Pierrette Ringuette	New Brunswick	Edmundston
6 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
7 Percy Mockler	New Brunswick	St. Leonard
8 John D. Wallace	New Brunswick	Rothsay
9 Carolyn Stewart Olsen	New Brunswick	Sackville
10 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
The Honourable		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy E. Downe	Charlottetown	Charlottetown
4 Michael Duffy	Prince Edward Island	Cavendish

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
The Honourable		
1 Janis G. Johnson	Manitoba	Gimli
2 Terrance R. Stratton	Red River	St. Norbert
3 Sharon Carstairs, P.C.	Manitoba	Winnipeg
4 Maria Chaput	Manitoba	Sainte-Anne
5 Rod A. A. Zimmer	Manitoba	Winnipeg
6 Donald Neil Plett	Landmark	Landmark

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
The Honourable		
1 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
2 Mobina S. B. Jaffer	British Columbia	North Vancouver
3 Larry W. Campbell	British Columbia	Vancouver
4 Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks
5 Yonah Martin	British Columbia	Vancouver
6 Richard Neufeld	British Columbia	Fort St. John

SASKATCHEWAN—6

Senator	Designation	Post Office Address
The Honourable		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 David Tkachuk	Saskatchewan	Saskatoon
3 Pana Merchant	Saskatchewan	Regina
4 Robert W. Peterson	Saskatchewan	Regina
5 Lillian Eva Dyck	Saskatchewan	Saskatoon
6 Pamela Wallin	Saskatchewan	Kuroki Beach

ALBERTA—6

Senator	Designation	Post Office Address
The Honourable		
1 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
2 Tommy Banks	Alberta	Edmonton
3 Claudette Tardif	Alberta	Edmonton
4 Grant Mitchell	Alberta	Edmonton
5 Elaine McCoy	Alberta	Calgary
6 Bert Brown	Alberta	Kathyrn

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	Newfoundland and Labrador	St. John's
3 George Furey	Newfoundland and Labrador	St. John's
4 George S. Baker, P.C.	Newfoundland and Labrador	Gander
5 Fabian Manning	Newfoundland and Labrador	St. Bride's
6 Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1 Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

Senator	Designation	Post Office Address
The Honourable		
1 Daniel Lang.	Yukon.	Whitehorse

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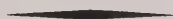


Debates of the Senate

3rd SESSION • 40th PARLIAMENT • VOLUME 147 • NUMBER 73

OFFICIAL REPORT
(HANSARD)

Thursday, December 2, 2010



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, December 2, 2010

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

UNITED NATIONS CONVENTION ON CLUSTER MUNITIONS

Hon. Elizabeth Hubley: Honourable senators, two years ago, on December 3, 2008, in Oslo, Norway, Canada joined 93 other countries in signing the United Nations Convention on Cluster Munitions. This historic treaty not only prohibits the use, stockpiling and distribution of cluster munitions, but also aims to provide assistance to victims and affected communities.

Sadly, it is not difficult to recognize a community affected by cluster munitions. Across Asia, Africa and the Middle East, these communities are marked by loss: individuals missing arms and legs, and families missing loved ones.

Like land mines, cluster munitions are indiscriminate, small bombs. They lurk unexploded in farmers' fields, in backyards and along rivers and roads, posing an ongoing threat to civilians years after a conflict has ended. Moreover, as they are often brightly coloured, they are particularly dangerous to children, who often mistake them for toys.

Fortunately, progress is being made. To date, 46 countries have ratified the convention and 108 have signed it. Further to this, on August 1, 2010, the Convention on Cluster Munitions came into force as binding international law.

While the international community is moving forward to end the suffering caused by these devastating weapons, Canada is not. We have yet to ratify the convention.

I can only hope that, by this time next year, we will be not only celebrating the third anniversary of this treaty, but, finally, Canada's ratification of it as well.

PREVENTION OF VIOLENCE AGAINST WOMEN

Hon. Nancy Ruth: Honourable senators, we are approaching Monday, December 6. We are approaching the moment when Bill C-389 will pass in the House of Commons. This is a good bill as it will expand human rights, transsexual rights in Canada, but it will give transsexual women a right that other women in Canada do not have. We must add all women to the Criminal Code in section 318(4).

Before the National Day of Remembrance and Action on Violence Against Women next year, the twentieth one, Parliament must honour those who have gone before and protect all women and girls by including them in the hate propaganda and genocide provisions of the Criminal Code.

Parliament declared this the National Day of Remembrance and Action on Violence Against Women in 1991. It marks the anniversary of the murders in 1989 of 14 young women at l'Ecole Polytechnique de Montréal. They died because they were women.

The Government of Canada should be using every means at its disposal to reduce exploitation and violence against women and girls in Canada. By adding "sex" to the list of identifiable groups, men and boys would also be protected if targeted. It is perverse to exclude those who most need to be included.

Protection from hate propaganda and genocide is not a panacea; it is a symbol, a statement of our values and another usable public measure in an ongoing effort to protect women from violence.

I have made this statement as the house is about to pass Bill C-389, a good bill, expanding human rights in Canada. We must add all women to the Criminal Code. We must add "sex" to section 318(4) of the Criminal Code so that all women are covered.

THE LATE W. KEIR CLARK

Hon. Catherine S. Callbeck: Honourable senators, earlier this week, Prince Edward Island lost a prominent businessman, community leader and former cabinet minister, William Keir Clark passed away Sunday morning at the age of 100.

Born in Mount Stewart, Prince Edward Island, Mr. Clark attended Prince of Wales College and graduated from Dalhousie University with a bachelor's degree in commerce. In 1934, he opened one of the largest mercantile stores in the area, selling clothing, groceries and hardware. Clark Brothers was an anchor on Main Street for decades and provided employment for countless people over the years. Even today, former employees share stories of his willingness to lend a helping hand and support the people who worked for him.

Mr. Clark was also a long-time politician. He served as Mayor of Montague in 1941 and 1942. Provincially, he was elected an impressive four times as an MLA and represented the former riding of 3rd Kings from 1948 to 1959 and from 1966 to 1970. He served alongside his father, Russell, in the legislature from 1947 to 1959, which I do not think has happened very often in Canada.

He was also a member of the provincial cabinet, serving as Minister of Education from 1953 to 1959, as Provincial Treasurer from 1954 to 1955, and as Minister of Health and Municipal Affairs from 1966 to 1969.

Mr. Clark's contributions to the town of Montague and to the people of Prince Edward Island are countless. He was principled in his approach to life. He lived it as a real gentleman. He was always dressed smartly in suit, tie and hat, even when fishing or out on his daily walks. He was truly one of a kind.

I would like to offer my sincere condolences to his daughters, Marion, Gwen and Marjorie and to his many friends and neighbours. I am certain he will be sorely missed by all who had the good fortune of knowing him.

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

Hon. Vim Kochhar: Honourable senators, I stand here today to bring to your attention that tomorrow, December 3, is the International Day of Persons with Disabilities. On this planet there are more than 650 million people who live with disabilities and often we are not aware of the challenges they face.

It was more than 30 years ago when I picked up the torch for the disability movement from an extraordinary woman, Marg McLeod. I remember at that time in Toronto, Bloorview was called the Crippled Children's Centre, and the Centre for Addiction and Mental Health was called the Hospital for the Insane. I remember when the media called our Paralympians "crippled athletes." I remember when the only place for the severely disabled was to live in an institution or at home. I remember when any service to people who were deaf-blind was considered a waste of time and money.

• (1340)

[English]

From the outset, we believed there was absolutely nothing that people with disabilities could not achieve and that they should be recognized for their achievements. We also believed that the wheelchair was no longer a symbol of disability but a symbol of freedom for those who could not walk.

This week, honourable senators, we pause to celebrate the many milestones we have established. We celebrate the opening of the Canadian Helen Keller Centre in Toronto, the only training centre for people who are deaf-blind in Canada. We celebrate the opening of Rotary Cheshire Homes where 16 people who are deaf-blind live barrier-free and independently in their own apartments. This is still the only facility of its kind in the world.

We celebrate the election victory of Minister Fletcher, who is a quadriplegic, and his appointment to the cabinet. We celebrate the appointment of David Onley, who is physically disabled, as the Lieutenant-Governor of Ontario.

We have not achieved everything in full measure, but we have redeemed enough to celebrate on December 3. Today, Canada is the best country in the world for people with disabilities. Please keep the International Day of Persons with Disabilities in mind this week, and we will continue to work together to make a difference in the way Canadians think about disability.

CHICKASAW NATION

Hon. Rod A. A. Zimmer: Honourable senators, I rise today to draw your attention to a visitor in the gallery, Mr. Michael Chang, Vice-President, Global Gaming Solutions, of the Chickasaw Nation, in Ada, Oklahoma, United States of America. The Chickasaw Nation is a Native American tribe that extends over 13 Oklahoma counties. The Chickasaw Nation

strives to build a strong, stable economy and self-sufficient community for the Chickasaw people by generating funds to their commerce division to provide services and programs to the Chickasaw community's family, youth and elders. Their slogan, United We Thrive, describes the mission of the Chickasaw Nation.

One of the top priorities of the Chickasaw Nation is to preserve and share the heritage of the Chickasaw history, language and culture that has been passed down from generation to generation through storytelling. The nation organizes programs designed to continue the process with the youth and elders of the tribe. Chickasaw people have always valued their communities and family and the Chickasaw Nation preserves this value by providing programs and services that benefit the Chickasaw families, children, youth and of course the elders, whom they consider living treasures.

The Governor of the Chickasaw Nation, Bill Anoatubby has initiated an impressive effort to focus on the potential of Chickasaw youth, the tribe's most valuable resource, as a means of preserving the tribe's culture and securing its future success. This is being done through a multitude of services and programs focused on youth in addition to upholding education as a top priority within the nation.

The nation's commerce division owns and operates 58 commercial businesses with 10,000 employees, and these businesses include 17 casinos, 2 of which are Oklahoma's largest casinos: Riverwind and WinStar.

The WinStar World Casino is one of the five largest in the world. In addition, they also own and operate hotels, restaurants, retail travel plazas, tobacco stores, a family entertainment centre, a chocolate factory, radio stations and a newspaper.

Honourable senators, net income from the commerce division, in particular Chickasaw Nation casinos, provides the Chickasaw people with the opportunity to receive vital and essential services, including health care; aging, youth and family, education; and transportation services. Such revenues offer the nation the opportunity to invest in yet other businesses and industries that together will create stable, quality jobs and a self-sufficient community of the Chickasaw people for years to come.

Honourable senators, I am proud to introduce Mr. Chang to you today, as he is a dear friend of mine.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I call your attention to the presence in the gallery of our distinguished visitor, Mr. Michael Chang.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

INTERNATIONAL DAY FOR THE ABOLITION OF SLAVERY

Hon. Consiglio Di Nino: Honourable senators, I rise today to bring to your attention a day that should never have been. Before we welcome in 2011, we are reminded that on December 2, 1949, a resolution was brought forward at the three hundred and sixty-fourth plenary meeting of the General Assembly of the UN Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others.

December 2 marks the International Day for the Abolition of Slavery. However, honourable senators, slavery is alive and well today. Each year, some 600,000 to 800,000 people, mostly women and children, are trafficked across borders worldwide. That is roughly the same number as the population of the city of Mississauga.

We have seen throughout history that slavery continues to be a problem around the world. Greed, empowerment, enslavement and treachery are the driving forces for the slave keepers. When we think of slavery, we generally see shackles confining innocent people against their free will. Today it is much more disturbing than we can imagine.

Typically, the victims are forced, defrauded or coerced into sex service industries or situations where their labour is exploited. Underground markets and supply chains treat lives like a commodity.

We can stop this by raising awareness, ensuring the world realizes that slavery continues to exist and strengthening and enforcing laws that will deal with the people responsible for the awful suffering of these innocent people. Canada must continue to strengthen its efforts to investigate and prosecute trafficking offences and convict and sentence the offenders.

This is a day to remind everyone that those being trafficked are not chattels but mothers and fathers, aunts and uncles, daughters and sons, brothers and sisters. Let us today redouble our efforts to eliminate this persistent cancer.

DIAMOND INDUSTRY

Hon. Roméo Antonius Dallaire: Honourable senators, the world's attempt to control blood diamonds is teetering on the brink of collapse as nations squabble over how to regulate the lucrative trade from Zimbabwe's violence-plagued diamond fields.

The sensational Zimbabwe diamond discovery, which could represent up to 25 per cent of the world's supply of rough diamonds within two years, has massive implications for the world's diamond industry, in which Canada is now one of the top producers.

If no agreement is reached, it will further damage the credibility of the Kimberley Process Certification Scheme for Rough Diamonds that aims to eliminate blood diamonds. Canada was one of the main architects of the Kimberley Process.

This could be a final chance for the seven-year-old Kimberley Process. If its 75 member countries fail to settle the Zimbabwe question and fail to deal with the growing list of producers that smuggle diamonds to avoid the certification scheme, the process could be doomed.

The term "blood diamond" comes from the use of illegal diamonds by illicit trade or by certain countries in continuing war, internal conflict and massive abuses of human rights. The term "blood" also comes from the fact that children who are used to mine those diamonds mine in open holes, holes that resemble the battlefield holes we saw of World War I. Many of the children digging up those diamonds drown in the water at the bottom of those holes. Blood diamonds are exactly what the name implies. They are from the blood of children and from massive abuses of human rights of an enormous population by people who are neither being held accountable in front of the International Criminal Court nor being pursued to be held accountable by nations like Canada, a founding member of the Kimberley Process Certification Scheme.

Honourable senators, if you wish to buy a diamond, buy a Canadian diamond.

• (1350)

[Translation]

ROUTINE PROCEEDINGS

STUDY ON PROVISIONS AND OPERATION OF DNA IDENTIFICATION ACT

NINTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE— GOVERNMENT RESPONSE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government response to the ninth report of the Standing Senate Committee on Legal and Constitutional Affairs, entitled: *Public Protection, Privacy and the Search for Balance: A Statutory Review of the DNA Identification Act*.

[English]

CANADA CONSUMER PRODUCT SAFETY BILL

THIRTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 2, 2010

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-36, An Act respecting the safety of consumer products, has, in obedience to the order of reference of Thursday, November 18, 2010, examined the said bill and now reports the same without amendment.

Respectfully submitted,

ART EGGLETON P.C.
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Eggleton, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

CRIMINAL CODE

BILL TO AMEND—THIRTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Joan Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 2, 2010

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-464, An Act to amend the Criminal Code (justification for detention in custody) has, in obedience to the order of reference of Tuesday, June 22, 2010, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Tommy Banks: Honourable senators, I should like to impose on the courtesy of this chamber for a moment in order to thank the chair and deputy chair of this committee. This is a short bill, but it is not in its implications a simple bill.

I want to thank all members of the committee for their courtesy. In particular, I wish to place on the record my gratitude to Senator Carignan for his assistance in ensuring this bill goes forward. I am grateful to the honourable senator.

(On motion of Senator Banks, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR—ELEVENTH REPORT OF COMMITTEE PRESENTED

Hon. W. David Angus, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, December 2, 2010

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

ELEVENTH REPORT

Your committee, which was authorized by the Senate on Thursday, March 11, 2010 to examine and report on the current state and future of Canada's energy sector (including alternative energy) respectfully requests the release of supplementary funds for the fiscal year ending March 31, 2011.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on June 17, 2010. On June 22, 2010, the Senate approved the release of \$14,000 to the committee. The supplementary budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on October 21, 2010. On October 26, 2010, the Senate approved a partial release of \$30,040 to the committee. The report of the Standing Committee on Internal Economy, Budgets, and Administration recommending the release of supplementary funds is appended to this report.

Respectfully submitted,

W. DAVID ANGUS
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 1046.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Angus, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

**CANADA-CHINA LEGISLATIVE ASSOCIATION
CANADA-JAPAN INTER-PARLIAMENTARY GROUP**

ANNUAL MEETING OF
THE ASIA PACIFIC PARLIAMENTARY FORUM,
JANUARY 17-22, 2010—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to rule 97(3), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group respecting its participation at the 18th Annual Meeting of the Asia Pacific Parliamentary Forum held in Singapore, Republic of Singapore, from January 17 to 22, 2010.

[English]

THE SENATE

**MEMBERSHIP OF STANDING COMMITTEE ON
CONFLICT OF INTEREST FOR SENATORS**

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Cowan:

That pursuant to rule 85(2.1) the membership of the Standing Committee on Conflict of Interest for Senators be as follows:

The Honourable Senators Andreychuk, Angus, Cordy, Joyal, P.C., and Stratton.

(Pursuant to rule 85(2.1), the motion was deemed adopted.)

QUESTION PERIOD

SENIORS

INCOME SUPPORT

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. Last week, the latest statistics on seniors and poverty were released by Campaign 2000. These figures show that the number of seniors living below the poverty line increased by roughly 25 per cent between the years 2007 and 2008. The report shows that women are the hardest hit; 80 per cent of that increase is among senior women.

It is unacceptable in a country like this that so many seniors are living in poverty. Why has this government allowed so many seniors to fall through the cracks?

• (1400)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. The government takes the issue of seniors, seniors' welfare and their financial health very

seriously through the Old Age Security and Guaranteed Income Supplement programs. We provide \$33 billion per year to about 90 per cent of Canadian seniors. We increased the GIS earnings exemption from \$500 to \$3,500 so that seniors who choose to stay in the workplace can keep more of their money without a reduction in benefits. This meant more money for about 1.6 million seniors. We are ensuring that seniors have more money in their pockets out of consideration for the fact that many seniors live on fixed incomes. There has been no decrease in the OAS or GIS rates, which are tied to the consumer price index. Even if the CPI decreases, the rates remain the same for the OAS and the GIS and do not decrease.

In 2007, the government passed Bill C-36 to allow eligible seniors to apply once for GIS benefits rather than year after year. Our government is committed to ensuring seniors get their benefits in a timely manner. Between 2006 and 2008, we invested \$12.7 million on awareness campaigns to encourage Canadians to contact Service Canada for information on federal programs and services, including the GIS.

As the honourable senator knows, a few years ago many seniors did not have access to a facility like Service Canada. This has greatly improved the services and money flowing to seniors. When seniors call Service Canada, they are directed to the programs that help them the most.

Senator Callbeck: Honourable senators, certainly I am glad to hear that the services to seniors through Service Canada have improved. However, while the leader can talk about what the government has done, the fact is that in one single year, between 2007 and 2008, almost 25 per cent more seniors were living below the poverty line. That is the largest increase of any group. Seniors helped to build this country. They worked hard over a lifetime and they deserve to live better than they are living.

My question is: What will the government do to address the needs of Canadian seniors who are living in poverty?

Senator LeBreton: Honourable senators, there is no question that the period of economic downturn, which Senator Callbeck cited, impacted directly on seniors. I wish to point out that Canada still enjoys one of the lowest rates of poverty amongst seniors in the world. I have outlined many of the programs before, including access to the OAS and the GIS. The government is very concerned about the report that came out, and is committed to ensuring that our seniors have a proper standard of living so that they may live out their senior years in relative good health and with a reasonable level of income.

The government has provided more money by moving more seniors off the tax roll. There is nothing to indicate that we will not continue on this same track. As the honourable senator pointed out, seniors helped to build this country and it is in every government's interest to ensure that seniors live out their final years in good health and with some financial security.

Hon. Art Eggleton: Honourable senators, my question is directed to the Leader of the Government in the Senate. All honourable senators take a great deal of pride in what has been done by both Liberal and Conservative governments with respect to improving the income support systems for seniors. For

example, we went from a high of 36.9 per cent of seniors living below the poverty line in 1971 down to 4.9 per cent in 2006. That is a great achievement. The leader has cited some of the programs and the work that has been done in this area.

We are finding out with the latest information that the 4.9 per cent has jumped to 5.8 per cent, which is an increase of almost 25 per cent over a couple of years. Many of those people are women. I have a specific question that arises from two reports adopted unanimously, I believe, by the Senate.

Will the government adopt the recommendation first proposed in the Senate report on aging and echoed in the recent Senate report on poverty, housing and homelessness to increase the Guaranteed Income Supplement for seniors to ensure that seniors are not living below the poverty line?

Senator LeBreton: Honourable senators, as I indicated to Senator Callbeck, the government will continue to examine ways to assist seniors who truly live in difficult circumstances and who rely on the Old Age Security and the Guaranteed Income Supplement.

As the honourable senator pointed out and as I pointed out to Senator Callbeck a few moments ago, Canada has one of the lowest poverty rates among seniors in the developed world. Currently, we are ranked second by the Conference Board of Canada. The OAS and the GIS benefits provide \$33 billion per year to about 90 per cent of Canadian seniors. The GIS was increased in 2006 and in 2007. Our government increased the GIS earnings exemptions from \$500 to \$3,500, which means more money for 1.6 million seniors.

To the senator's specific question about future changes to the GIS, that is something for the Minister of Finance and others to review in the budgetary considerations. However, it is clear that the government has increased the GIS twice. The decision will be up to the Minister of Finance when planning the budget for next year, when many people will make that same recommendation and ask that same question. I can promise to make the Minister of Finance aware of Senator Eggleton's question and the suggestion that the GIS figure be looked at.

Senator Eggleton: I thank the minister. Indeed, it is that time when the Minister of Finance will be hearing from a number of people. I am glad that the minister will draw this matter to his attention. Although we have done very well, there are still more people falling between the cracks.

Honourable senators, I have a supplementary question from another angle. The rise in poverty among seniors poses particular problems for their adult children, who will be expected to bridge financial gaps for their parents while supporting their own families. This is the so-called "sandwich generation." They are caught between the twin pressures of having children in higher education and parents requiring additional care because of failing health.

Will the government support tax measures to help low- and middle-income family caregivers who provide essential care to a family member at home?

Senator LeBreton: I thank Senator Eggleton for the question. When I was the minister responsible for seniors, I encountered many individuals across the country who were part of this sandwich generation. They were paying for their children to attend school or university while looking after their aging parents. They truly were caught in a sandwich; there is no doubt about it.

• (1410)

The government improved the EI system to support this group. In June 2006, our government expanded the number of family members and others who can access compassionate care benefits, and for the first time 2.6 million self-employed people have access to EI sickness and compassionate care benefits. That was a policy that we committed to and have delivered on.

In terms of middle class families, we are proud of our record of lowering taxes, which has put more money into the pockets of middle-income taxpayers, mostly those caught in the sandwich generation. Of course, they then use that money to look after members of their family, whether children or elderly parents.

As I said in my last answer to the honourable senator, I will be very happy to bring these concerns to the attention of the Minister of Finance for consideration when he is working on the budget for 2011.

Hon. Terry M. Mercer: Honourable senators, I have a supplementary question to the minister. As the leader mentioned, she was the minister responsible for seniors for some time; indeed, for part of the period covered in this report referred to by my colleagues Senator Callbeck and Senator Eggleton. She talked about making compassionate care benefits more available.

Should the nearly 25 per cent increase in the number of seniors below the poverty level not sound an alarm somewhere, a call to action by this government to respond, and respond quickly? It is not very often that we get a report that is so dramatic, especially when, over the years, as Senator Eggleton so ably pointed out, we have had a steady decline in the numbers. This reversal is a little startling. Senator Eggleton referred to the report of the Special Senate Committee on Aging. There are a number of references in that report to the people caught in the sandwich situation, the volunteers out there assisting seniors and the seniors themselves out there volunteering. This issue needs to be moved quickly up the priority scale of this government.

Senator LeBreton: I agree with Senator Mercer that it is an alarming report, and the government takes the report very seriously. As well, the economic downturn has certainly impacted on our seniors. Honourable senators, pointing out that we still enjoy, in comparison to the rest of the world, a good situation, does not in any way diminish the fact that there are some serious concerns in this country over people living below the poverty line, especially women, and the government takes the situation seriously. The Minister of Human Resources and Skills Development, the Minister of Finance and other departments in the government are all well aware of the problem. All of these factors will be considered when the Minister of Finance is preparing the budget for 2011.

FINANCE

ECONOMIC STIMULUS PROGRAMS

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. It has to do with the government stimulus package.

When the government introduced its infrastructure stimulus package, Canadians accepted it because the government said that it would create jobs. We on this side repeatedly urged the government to put in place a tracking system similar to that in the United States so that we and all Canadians could track the success of the program in creating jobs. Your government flatly refused that suggestion. On numerous occasions since, we have asked for progress reports to determine how the job creation process is going.

We now know why the government refused to provide either that tracking system or the progress reports. According to the report issued yesterday by the Parliamentary Budget Officer, this government has failed miserably in the number one objective of job creation. Only one third of respondents said that the stimulus fund had increased employment. One half said it had had no effect and one fifth said that for some reasons the program had actually increased unemployment. In other words, jobs were actually lost because of the government's program.

Today, the government announced an extension of the stimulus program to October 31, as we have been pushing for. This is certainly welcome and we are glad they took our advice; but will the government now, with respect to the extension, put in place the tracking system so that Canadians can judge for themselves the success or failure of the program?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, again, Senator Cowan is basing his question on a report that was released yesterday. Jobs and the economy are the government's number one priority. *Canada's Economic Action Plan* is keeping our recovery on track. I think the evidence is clear. Canada's economy has grown for the past five straight quarters, and since July of last year nearly 430,000 net new jobs have been created. Our work-sharing programs alone protected 260,000 jobs during the global recession. To quote Berry Vrbanovic, the Vice-President of the Federation of Canadian Municipalities: "Study after study shows infrastructure is by far the best short-term job creator." He said that yesterday, December 1, 2010.

All of this to say, honourable senators, our government will continue to focus on our job-creating, low-tax plan, unlike the coalition group on the other side who wants to dramatically raise taxes and halt our great recovery in the economy.

Senator Cowan: I would point out to the leader that there are numerous instances, and I need only point to the deficit projections and to the estimates of prison expansion costs as a result of the government's program, where time after time when comparing figures that came from the government and figures that came from the Parliamentary Budget Officer, the Parliamentary Budget Officer has proved to be far more accurate than the government's rosy projections.

However, there was another report released yesterday. This report found that the richest 1 per cent of Canadians are benefiting most from the economy. In fact, they are taking more of the gains from economic growth than ever before in Canadian history. A recent study quoted in the report showed that by the end of 2009, 3.8 per cent of Canadian households controlled \$1.78 trillion of financial wealth or 67 per cent of the total.

All Canadians need jobs, not just the wealthy. I ask again: Will the government put in place a system so that Canadians can see for themselves the concrete effect of government programs on much-needed jobs for regular Canadians?

Senator LeBreton: Honourable senators, the government's economic forecasts and job forecasts are a result of a cross-section of economists and are not from someone sitting in a government department. The government relies on economic experts across a wide field to come up with the forecasts and predictions.

The senator claims that the Parliamentary Budget Officer has been correct more often than not. I think there is ample evidence that that is not necessarily the case. Actually, I did see the report that the honourable senator referred to. I saw Linda McQuaig, the author, last night on the CBC talking about this report. I found it rather one-sided. I will quote someone who actually is in partnership with the government in creating jobs, and that is Hans Cunningham, President of the Federation of Canadian Municipalities. He said:

The Economic Action Plan was a partnership between governments to protect Canadians during a global crisis — and that partnership has delivered results.

He continued:

Municipalities are co-funding \$10 billion worth of stimulus projects that will keep 100,000 Canadians on the job and supporting their families.

• (1420)

That is not the government talking. That is one of the people with whom the government partnered as we expended stimulus dollars in cooperation with the municipalities and the various provincial governments.

While I am on my feet, I will read another quote, this one from the much respected *Wall Street Journal*. "Emerging From the Shadow" is the title of the article and it appeared two days ago, on November 30. Referring to Canada, the *Wall Street Journal* article stated:

The country has pulled through the downturn in better shape than most of its peers, with the healthiest banking system and strongest economic recovery in the Group of Seven wealthy nations. And that solid performance is fueling a growing assertiveness in a country often known for its reserve.

There is much proof, despite the doom and gloom Senator Cowan seems to want to spread from his side, that the government had the right program, did create the jobs, and did provide meaningful jobs to the tune of almost 430,000. With

job-sharing, the government made sure that people did not lose their jobs. One cannot argue with success and we have had great success with the Economic Action Plan.

Senator Cowan: The question is simple. The taxes collected by the government from Canadians are used to provide stimulus and a wide variety of infrastructure projects. Why can the government not put in place a system that enables the government and Canadians to see how many jobs are created project by project, as the Government of the United States has done?

Do not muddy the issue by talking about overall figures. We are asking for a tracking system that will enable Canadians to judge whether specific projects in fact create the number of jobs claimed by this government. That is all we are asking for. It is being done elsewhere. Why can it not be done in Canada?

Senator LeBreton: Honourable senators, the example of the United States is not a good one to use. I can only rely on the words of experts and the people we have been dealing with, and who better than the head of the Federation of Canadian Municipalities, who has given a figure of 100,000 as the number of jobs that have been created directly by the work we have done with them.

I think 430,000 jobs should be proof enough that the actions of the government, through the Economic Action Plan, worked. Despite the predictions of the Parliamentary Budget Officer — if I remember correctly a year ago, March, he was predicting an unemployment rate of 10 per cent — the fact is that the Economic Action Plan and the various programs of our government have directly contributed to reducing our unemployment rate. We need only look around our own communities to see that there have been numerous projects.

Honourable senators, this is necessary work that had to be done. Why not do it at a time of economic downturn, as we had in 2008, 2009 and into 2010, to provide those jobs? One cannot argue against the numbers: 430,000 new jobs and our unemployment rate.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

STUDENT SUMMER EMPLOYMENT PROGRAM

Hon. Jane Cordy: In the summer of 2008, there were 129,000 students who did not have employment, and this was the highest number since statistics were kept. In 2009 and 2010, the government put \$10 million into the summer jobs program and that created about 3,000 jobs, which was a drop in the bucket, nonetheless it was 3,000 students who otherwise would have been unemployed.

This was part of the Economic Action Plan, part of the stimulus program. Will the government continue to put this \$10 million into the student summer employment program, or will that program be over as of the end of March 2011?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for the question. Like all these programs, the government will consider the recommendations and the various factors that go into planning a budget.

I would dare say that Senator Cordy's question falls into the line of questioning that Senator Eggleton presented. I will be happy to express not only to my colleague Minister Finley, but also to my colleague the Minister of Finance, that there was an interest in the Senate to have this program continued.

To be specific, however, I am not in a position to answer, since I am not the Minister of Finance and I am not drawing up the budgetary figures, but I will be happy to express an interest to my colleagues that Senator Cordy would wish to see this program continued.

[Translation]

PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

QUEBEC CITY ARMOURY

Hon. Roméo Antonius Dallaire: My question is for the Leader of the Government in the Senate. I am sure she will want to get some answers from her cabinet colleagues. My question is about this country's national heritage, which we want to preserve and promote. Quebec City recently celebrated its 400th anniversary. Right in the heart of the capital city, there is an important historical building used by both civilians and the oldest French-Canadian regiment in the country, the Quebec Voltigeurs, whose band played O Canada for the first time in 1880, on Saint-Jean-Baptiste Day, in fact.

There have been promises to restore this historic armoury at the heart of a city that has been declared a UNESCO world heritage site. We have some numbers, but we do not have a date. Is there a date sometime this decade when we can expect the government to invest in restoring one of this country's historic gems?

[English]

Hon. Marjory LeBreton (Leader of the Government): Senator Dallaire asked this question before and I believe I provided a written response, but I will ask for an update. I do not have that information at my fingertips.

Senator Dallaire: This leads me to ask about the whole concept of infrastructure for a significant portion of our Armed Forces that are being bloodied on battlefields still today, and that is the reserves. In the stimulus package, where there are reserve units in nearly every major town in this country, where they are essentially living in early 1900s infrastructure, such as the building that burned down, there would have been a significant gesture of operational effectiveness, stimulus in these cities and pride in upgrading, if not modernizing, these armouries because they are shovel ready.

Why was that not part of the overall package?

Senator LeBreton: Honourable senators, there were a significant number of federally-owned and federally-controlled projects that the government did undertake where it was not required to have the agreement of the municipalities and the provinces because they were solely the responsibility of the federal government and there is quite a list of them. I will be happy to provide that to Senator Dallaire.

ORDERS OF THE DAY

FEDERAL SUSTAINABLE DEVELOPMENT ACT AND AUDITOR GENERAL ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker: Honourable senators, a message from the House of Commons has been received to return Bill S-210, a bill entitled: An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament), and to acquaint the Senate that they have passed this bill without amendment.

• (1430)

BANKRUPTCY AND INSOLVENCY ACT AND COMPANIES' CREDITORS ARRANGEMENT ACT

BILL TO AMEND—SIXTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tkachuk, for the adoption of the sixth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-216, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act in order to protect beneficiaries of long term disability benefits plans, with a recommendation), presented in the Senate on November 25, 2010.

Hon. Stephen Greene: Honourable senators, I would like to put my notes together on this topic. As Senator Eggleton made some excellent comments in his last speech, I believe they deserve a reply. In addition, senators on both sides could use a full explanation of where we are on this particular bill, and I would be happy to do that. I am putting my notes together and would like to adjourn the debate in my name for the balance of my time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to —

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

Hon. Art Eggleton: We have had enough debate. People want a decision on this matter. I would hope we would take the vote today.

The Hon. the Speaker: Honourable senators, the motion that was put to the house is as follows:

It was moved by the Honourable Senator Greene, seconded by the Honourable Senator MacDonald, that further debate on this item be adjourned to the next sitting of the Senate. There is no debate on an adjournment motion, so this is the question before the house.

Those in favour of the motion will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Senator Cowan: You have had months to speak.

The Hon. the Speaker: The whips are advising the house that there will be a one-hour bell. The vote will take place at 3:30 p.m. Do I have permission to leave the chair?

Hon. Senators: Agreed.

• (1530)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Ataullahjan
Boisvenu
Braley
Brazeau
Brown
Carignan
Champagne
Cochrane
Comeau
Cools
Demers
Di Nino
Dickson
Duffy
Eaton
Fortin-Duplessis
Frum
Greene
Housakos
Kinsella

Kochhar
Lang
LeBreton
MacDonald
Manning
Marshall
Martin
Mockler
Murray
Nancy Ruth
Neufeld
Ogilvie
Patterson
Plett
Rivard
Runciman
Segal
Seidman
Stratton
Tkachuk
Wallace
Wallin—44

NAYS THE HONOURABLE SENATORS

Baker
Banks
Callbeck
Carstairs
Chaput
Cordy
Cowan
Dallaire
Day

Joyal
Losier-Cool
Mahovlich
McCoy
Mercer
Merchant
Moore
Munson
Pépin

Eggleton
Fairbairn
Fox
Fraser
Furey
Harb
Hervieux-Payette
Hubley
Jaffer

Peterson
Poulin
Poy
Ringuette
Robichaud
Rompkey
Smith
Tardif
Zimmer—36

ABSTENTIONS THE HONOURABLE SENATORS

Nil

STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR

SEVENTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Stratton, for the adoption of the seventh report (interim) of the Standing Senate Committee on Energy, the Environment and Natural Resources entitled: *Attention Canada! Preparing for our Energy Future*, tabled in the Senate on June 29, 2010.

Hon. Tommy Banks: Honourable senators, I am pleased to speak today in favour of the Senate's adoption of the seventh interim report of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled: *Attention Canada: Preparing for our Energy Future*.

• (1540)

Our distinguished chair, the Honourable Senator Angus, has already told you that this interim report is, and its several successful successors will be, cogently important to Canada's future. It will be particularly important — it must be particularly important — to those of us who will, in one way or another, have a hand in determining the role that energy, writ large, will have in that future.

The most important aspect of our thinking in that respect that must derive from these reports, and from our committee's subsequent reports in this series, will be to understand how little we — society, industry, academe, and most significantly, we in government — know about how that future will be. Some aspects of that future will be fraught with problems and challenges; of that there is no doubt.

Those problems and challenges may not come from where industry sees them coming, may not come from where environmental advocates see them coming, or from where government sees them coming. That is because, if we are going to manage, adapt, cope and deal with those challenges, we must first understand the overall landscape in which they exist.

Honourable senators, we, society, industry, academe and government, all have a deficiency in our understanding of the big picture, about how all of those elements having to do with energy, production and consumption interrelate, about how they all affect each other, about how if you push in here, it bulges out over there.

Your committee seeks to provide some assistance to look at the synergies and encumbrances that we might face in our understanding the big picture. Most importantly, in our understanding of the fact that all projections are wrong, that everyone who says anything about energy consumption or production, that they know the truth is either a charlatan or a dupe.

To give you an idea about how wrong we have been in the past about, for example, oil reserves, let me remind you that in many times past well-meaning people, experts all, and all relying on what they believed to be the best available information at the time, have warned us in the most alarming terms that we are in big trouble because we are running out of oil.

In 1882, the United States Institute of Mining Engineers estimated there are about 45 million barrels of oil left, enough to last about four years. In 1914, the United States Bureau of Mines announced that the United States was down to its last 6 million barrels of oil. In 1920, the director of the U.S. Geological Survey said that U.S. oil production was about to peak. In 1951, the U.S. Department of the Interior warned that, by the mid-1960s, we would be out of oil. In 1970, Jimmy Carter said:

We could use up all of the proven reserves of oil in the entire world by the end of the next decade.

In 1971, the world's proven oil reserves were 612 billion barrels. Since 1971, we have produced and used more than 800 billion barrels. If the 1971 prediction had been right, we should have run out of reserves more than five years ago, but we did not.

Today's proven remaining reserves are about 1,000 billion barrels, which is 416 billion barrels more than they said we had left in 1971, and we have been burning it at an ever-increasing rate ever since.

How are all these things possible? Because all predictions are wrong.

It is not that all the well-intended alarmists had to do with oil. Off we go into the wild green yonder at the first Earth Day celebration in 1969, environmentalist Nigel Calder warned that the threat of a new ice age must now stand alongside nuclear war as a likely source of wholesale death and misery for mankind.

C.C. Wallén, of the World Meteorological Organization said, at that time:

The cooling since 1940 has been large enough and consistent enough that it will not soon be reversed.

In 1968, Professor Paul Ehrlich, the guy who was former Vice-President, Al Gore's hero and mentor, predicted a major food shortage in the United States and said that in the 1970s hundreds of millions of people would starve to death. Mr. Ehrlich

forecast 65 million Americans would die of starvation between 1980 and 1989, and that by 1999 the U.S. population would have declined to 22.6 million.

Mr. Ehrlich's predictions about England were gloomier. He said:

If I were a gambler, I would bet even money that England will not exist in the year 2000.

In 1972, a report for the Club of Rome warned that, because of our profligate consumption, the world would run out of gold by 1981, of mercury and silver by 1985, of tin by 1987 and of petroleum, copper, lead and natural gas by 1992.

Gordon Taylor, in his 1970 book, *The Doomsday Book*, said Americans were using 50 per cent of the world's resources, and that by 2000, the Americans will, if they are permitted to, be using all of them.

In 1975, the Environmental Fund took out full-page ads warning:

The World as we know it will likely be ruined by the year 2000.

Harvard University biologist George Wald, in 1970 warned:

... civilization will end within 15 or 30 years unless immediate action is taken against problems facing mankind.

That was the same year Senator Gaylord Nelson, in the United States, warned, in *Look* magazine, that by 1995, somewhere between 75 per cent and 85 per cent of all the species of living animals in the world would be extinct.

It is not just latter day doomsayers who have been wrong. Doomsayers have always been wrong. In 1885, the U.S. Geological Survey announced there was little or no chance of finding any oil in California. A few years later they said the same thing about Kansas and Texas. In 1939, the Interior Department said American oil supplies would last another 13 years. In 1949, the Interior Secretary said the end of availability of oil was in sight.

Having learned nothing from its earlier erroneous claims in 1974, the U.S. Geological Survey advised that the U.S. had only a 10-year supply of natural gas. According to the American Gas Association there is now a supply that will last somewhere between 1,000 and 2,500 years, at projected rates of consumption.

In 1970, when environmentalists were making predictions of man-made global cooling and the threat of an ice age and millions of Americans starving to death, what kind of government policy should we have undertaken to prevent such a calamity? When Mr. Ehrlich predicted in 1970 that England would not exist in the year 2000, what steps should the British Parliament have taken to prevent that happening?

In 1939, when the Interior Department warned that the U.S. only had oil supplies for another 13 years, what actions should President Roosevelt have taken?

Finally, what makes us think that either environmental alarmism, on the one hand, or outright denial of anthropological effects on our ecology are any more correct now than they have

ever been? Everyone, on all sides of these kinds of questions — there are not really two sides, there are many — can trot out evidence, and statistics, and projections, and statistics, and computer models and human intelligence, and statistics, and direct experiential evidence and scientific certainties and charts and graphs, and, worst of all, statistics, to prove their diagnosis and their prognosis. And they are all probably wrong.

All projections are wrong. At least we want to be careful before we bet the farm on any of them. We need to use the precautionary principle. We need to know the odds and we need to place our bets carefully so as to reduce, to the extent we are able, the possibility of doing harm to ourselves and our descendants, and to this little ball on which we live.

Our committee's effort is and will be to improve, however modestly, our understanding of the big picture to make us better informed as to where and how to place our bets on our future. We here in this place have a certain responsibility in that regard, and it is in the interests of our being better able to discharge that responsibility that I commend your careful attention to this report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

• (1550)

IMPORTANCE OF CANADA'S OIL SANDS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Eaton calling the attention of the Senate to the benefits of Canada's oil sands.

Hon. Hugh Segal: Honourable senators, the challenge with any public policy, as we reflect on the oil sands, further to the inquiry launched by my colleague Senator Eaton, is that if, in the first instance, we fail to discern how things actually are before deciding how they ought to be, we will be in difficulty. It is a kind of significant first step. If in trying to decide on the right policies to achieve how things ought to be one confuses reality from what one hopes for, then one starts from a deeply flawed point of departure.

Canada's oil sands are a classic example. They are not perfect zero emitters of unhelpful emissions. Neither is the U.S. coal industry, the rest of the petroleum industry, our use of automobiles, how we heat our homes and even how we manufacture environmentally constructive technologies and machines. I remember in the 1970s when Premier William Davis of Ontario invested, along with Alberta's leadership position and Premier Lougheed, in Syncrude in search of a new energy technology to meet our needs.

I fear that many of the well-intentioned opponents of the oil sands, such as U.S. companies that decide to exclude oil sands energy from their energy use, are confusing the fantasy world of fact-free aspiration from the real world of making the best rational choices possible. I assume that Avon, Old Navy, Walgreens or Levi Strauss and other users of electricity who shun the oil sands as an energy source will also shun U.S. electricity sources based on coal-fired generating stations because those stations are far worse than the oil sands. I assume they will also shun, around the world, electricity or transportation fuel based on essentially repressive regimes like Venezuela, Iran or Saudi Arabia. If they do, and tell their employees and door-to-door representatives not to use CITGO stations in the U.S., which are a wholly owned subsidiary of Petróleos de Venezuela, the national oil company of Venezuela, then there might be some coherence to their stance. If they do not, then they are just imposing a fantasy world, non-tariff barrier on their Canadian neighbours. Canadians might want to reflect on this when considering the products and services from these companies and their fellow travellers.

The oil sands are above all a national security asset. By "national security asset," I mean a vital asset fundamental to the continuity and resilience of Canadian society, in fact North American society, for many years to come.

If the oil embargo of the Carter years taught us anything, it is that an international crisis elsewhere, for example in the Middle East, the Strait of Hormuz as a result of Iran's nuclear intentions, any destabilization of the Saudi or Gulf states, can and will produce supply interruptions here in North America. These are of strategic and security impact of the most serious kind. The oil sands with their substantial forward reserves reflect an important countervail to this threat and constitute a vital national security asset.

Ezra Levant's rhetorical question in his recent compelling book on the oil sands as an ethical source of oil, compared with most of the other sources, is apt and constructive. He asks: If pumps at American gas stations were labelled "Iran, Saudi Arabia, Venezuela and Canada," which do we think our American neighbours and allies would pick if given free choice?

Senator Lindsay Graham on his recent visit to Alberta referred to Alberta as "a national treasure for Canada and the United States." He continued:

It's a clear win-win. We've got shared values, but we've also got shared needs.

In a world where Russia is, to the best of their ability, using its energy reserves to shape and manage European politics and dominate their neighbours, in a world where our Chinese friends are seeking to acquire energy resources worldwide and are often delighted to sustain anti-democratic regimes in the process, in a world where rogue state initiatives from North Korea to Hezbollah threaten instability of the most serious kind, we need to reassure, expand and preserve a national security asset like the oil sands with every ounce of political will we can muster. Diminishing their prospects and unduly diluting their value is truly akin to letting the perfect be the enemy of the good, and that would be profoundly against our economic and security interests as a vibrant mixed economy democracy.

The American Council on Foreign Relations in a recent report in May of 2009 indicated that there is a point of constructive reconciliation between security and climate change concerns. Clearly, it is in all our interests to work diligently for a rational effort to achieve that balance as soon as realistically possible, but imposing unrealistic constraints on the oil sands and their development will not help. It will in fact weaken this national security asset at a time when we need it the most.

Do I want to live in a low-emission, tiny carbon footprint world? Of course I do. Do I want to ignore the growth of emissions in China and India, the growth of the Chinese navy in the Pacific, the growth of the nuclear threat from Iran, the repression of women in Saudi Arabia, the threats to Canadian sovereignty and energy reserves in the Arctic in order to do so? Honourable senators, I do not, and neither do most Americans or Canadians. We must deal with the world as it is and try to make it better. Confusing reality as we find it with what we hope for is the ultimate folly.

The oil sands are an engineering success and technology advance of which Canadians can be proud. Further technological steps are ahead on carbon sequestration. This is the Canadian can-do experience at its very best. Understating the environmental challenges serves no purpose, but overstating the ecological footprint of the oil sands also serves no purpose. NGOs and others who have chosen the latter path have every right to do so, just as we have the right to see through that overstatement and ensure that its influence is measured.

We take national security for granted at our peril. It is our first duty to all Canadians. That duty means that we must mobilize, protect and enhance resources and capacities that prevent Canadians from being threatened, intimidated or attacked in a way that threatens our way of life, and that way of life underlines values such as democracy, the rule of law, human rights, gender equality, peace and order, and freedom. It is not only about secure borders or our judicial system or the presumption of innocence or defence intelligence and security forces. It is also about our strategic resources and their protection. The oil sands are a vital, core part of the strategic national security.

We all owe a debt to Senator Eaton for putting this item on our agenda for reflection and discussion. It is a vital national security asset. We should understand that in a world of harsh realities for all of us in North America, this asset has never been more important than it is today.

(On motion of Senator Comeau, debate adjourned.)

• (1600)

THE SENATE

MOTION TO URGE GOVERNMENT TO REVISE TWENTY DOLLAR BANKNOTE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Banks:

Whereas the \$5, \$10 and \$50 Canadian banknotes represent Sir Wilfrid Laurier, Sir John A. Macdonald and W.L. Mackenzie King respectively, and whereas each of these bills clearly mention in printed form their name, title and dates of function;

Whereas the 20\$ banknotes represent a portrait of H.M. Queen Elizabeth II but without her name or title;

The Senate recommends that the Bank of Canada add in printed form, under the portrait of Her Majesty, the name and title of H.M. Elizabeth II, Queen of Canada, to the next series of \$20 Canadian banknotes to be printed.

Hon. Michael L. MacDonald: Honourable senators, this motion by Senator Joyal has been adjourned in Senator Di Nino's name, and I ask that it be adjourned in my name to a later date.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator MacDonald, debate adjourned.)

ENVIRONMENT AND HUMAN RIGHTS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the relationship between the environment and human rights.

Hon. A. Raynell Andreychuk: Honourable senators, I want to address this inquiry, but I seek your indulgence for more time, so I am simply asking to adjourn it.

The Hon. the Speaker: Is it your pleasure to adopt the motion?

(On motion of Senator Andreychuk, debate adjourned.)

EDMONTON'S BID FOR EXPO 2017

INQUIRY—DEBATE ADJOURNED

Hon. Tommy Banks rose pursuant to notice of November 24, 2010:

That he will call the attention of the Senate to the decision by the Government of Canada in respect to Edmonton's bid for the 2017 World Expo.

He said: Honourable senators, this is a case of striking while the iron is hot, and it is hot.

Honourable senators, this is an inquiry into a government decision that can be accurately described as nothing less than a blatant betrayal. The Prime Minister, the government and the Heritage Minister have slapped Edmontonians and Albertans in their collective face with an insult, an insult that will be a long

time used in political science classes in Alberta as an example of how regional political loyalty is so often repaid with absolutely nothing.

The event to which I refer is the death sentence the federal government delivered last week to the hopes, dreams and collective vision of hundreds of thousands of Edmontonians and Albertans when it announced that it had decided not to back Edmonton's bid for the 2017 Expo, a bid which might have brought that prestigious event to our country during our one-hundred-and-fiftieth national birthday celebrations.

In order that honourable senators fully understand what has led to the emotional outpouring in my city, allow me to provide a little background against which one can measure the cynicism of the government's decision.

From its very beginnings in 1795, Edmonton has been one city in which vision, self-confidence, a strong sense of community and plenty of plain old hard work came together and paid off. Our entire history has been one of that community, vision and hard work.

Visionaries in Edmonton saw the enormous strength that our city has in volunteerism and channelled it into securing major national, continental and global events for Edmonton, events that demonstrate our self-confidence and established our competence on a much larger stage. Through the work of these visionaries, we have hosted the British Commonwealth Games, World University Games, the World Championships in Athletics, the World Masters Games and many more sports and other kinds of events and other life pursuits. Each time, honourable senators, we were left with no debt, and each time we were left with a substantial legacy.

A little more than two years ago, it was such a group of community visionaries that came together in Edmonton and committed to go after yet another global event, Expo 2017. They chose a theme that is particularly suited to Alberta, namely "Energy in Our Time." Where else would such a theme make so much sense?

The bid committee envisioned the construction of nearly \$1 billion worth of national and corporate pavilions, buildings that would be converted to university use as only one aspect of the fair's legacy. The academic, scientific and industrial dialogues that would have occurred would have lasted for decades. It would have set new standards for environmental sustainability. A \$100 million dollar legacy fund would have provided theme-related educational programs and scholarships at universities all over the world for many years to come.

It would have provided a global focus for the beginning of a decade-long global conversation about what Senator Segal has just spoken to us about, the environmental sustainability of our massive oil sands deposits — an industry that benefits all of Canada and whose production results in huge royalties paid directly to the Government of Canada.

All told, the bid organizing committee projected it would be staged for \$2.3 billion in 2017 accelerated dollars. The committee looked first to the Province of Alberta and then to the Government of Canada for help in that funding. Edmonton

became the Canadian bid city. We were it. The province's premier needed no convincing. He saw the benefits to Albertans of the event and of its theme. The province made a financial commitment that would make it the largest contributor to the funding of the fair, which left the Government of Canada's participation as the next and most critical building block in the march towards a successful bid.

Earlier, the committee had been thrilled, when in April of 2009 the federal Heritage Minister wrote a letter urging competitive bids for Expo 2017. The letter stated that "to meet the deadline (of spring, 2011) and take advantage of upcoming opportunities to promote Canada's candidacy, the process to select a city as Canada's candidate must begin now."

It also stated the following:

International expositions play an important role in providing a forum for intercultural encounters. They are also a wonderful venue to showcase our country's rich heritage, cultural and natural diversity and our achievements to the world.

Mr. Moore's letter acknowledged that 2017 was Canada's one-hundred-and-fiftieth birthday and connected that fact with a pitch to the value of our country of hosting an Expo. The minister could not have delivered a clearer challenge, a clearer message: "Go head," he said. "Think big. Create a good bid, and Canada will back you."

Well, as I described, Edmonton did put together a bid. It contacted the federal government and, all through that early process, every time that members of the bid organizing committee met with federal and provincial government officials, they got positive response and further encouragement. Every indication said that it was clear sailing.

However, when dollars and bottom lines became apparent to each of the governments, we got two different reactions.

From the province — a province that, by the way, was facing its own unexpected multi-billion dollar deficit problems — we got a big thumbs-up. Premier Stelmach and his government still believed in the future, and he knew that his financial position would be better in eight years than it was in 2009.

From the federal government, it is hard to say what we got. What we did not get was any kind of normal response, because all we got essentially was silence. No one on the federal side said, "Wait a minute. You want a bunch of money from us, but we cannot afford that much." No one asked questions. No one suggested taking a second hard look. No one said, "Let us look at our options together and see if we can figure out another way." I am told that from the very day that Expo's business plan landed in Ottawa, no one from the federal government, at any level, discussed or debated the bid committee's proposed contribution breakdown.

No one said it was wrong. No one said it was inflated. No one said it was unreasonable, so the bid committee continued its work. They continued spending its money, resources and the time of all the volunteers, because no one at the federal level ever said,

"Hold on. We have a problem here." Until last week, that is, and even then what we got was not a discussion. What we got was an axe.

Honourable senators, the Expo bid organizing committee's business plan called for a meaningful contribution from the feds, but let us be absolutely clear about when the federal contribution was to be made. It was back-loaded. In the next few years, it was very small. It would increase a little towards 2014 and 2015, but by far, the majority of the federal contribution was needed after 2015, the year when the Prime Minister tells us we will have achieved elimination of the deficit. By the way, the years with the largest federal contributions would have come after its commitment to the 2015 Toronto Pan Am games, so the cash flow would not be a problem.

As an aside, I must point out that the government came up easily with \$500 million to cover a commitment to the three-week long Pan Am Games, despite the fact that most of that money will have to be spent before the government's 2015 zero-deficit deadline.

Maybe the government is now telling us that they will not be able to wrestle the deficit down by 2015.

It is painfully clear that the fiscal capability issue raised by the Heritage Minister and the Edmonton regional minister is blown to smithereens by plain, simple obvious facts. The deficit argument, "we can't afford it," for leaving Edmonton high and dry is simply a political ruse, a smokescreen, a slick talking-point diversion designed for 10-second media clips.

The Heritage Minister and his echo, Minister Ambrose, said they fear that extra security costs caused by even a low-threat security event during Expo 2017 could send federal costs towards the billion-dollar mark — 100 times more than the budget agreed to by all the players. Last week, I said it was 1,000 times more. I was wrong. Arithmetic is not my strong suit. It is only 100 times more. My apologies. It is 100 times more than the budget agreed to by all the players — federal, provincial and municipal.

• (1610)

Expo is hardly a G20 summit. Anyone in the security business knows that Expos are on a much lower threat level than a G20 summit. This Expo would have been held on a single site, located in what is probably Canada's most securable piece of relatively central urban land, surrounded on all sides by wide fields and by a ravine, unlike the Pan Am Games, which will be held at venues scattered all through Toronto and are expected to cost the federal government close to \$1 billion for security. Edmonton's cost would have been minimal.

In fact, a little less than three weeks ago, as I mentioned to honourable senators last week in my question to the government leader — and, this was before the Heritage Minister threw up this brick wall — bid organizing officials organized a two-day local, provincial and federal police and security agencies meeting, all of whom would have had responsibility for security at the event. Those experts, municipal, provincial and federal, walked through the site and they flew over the site in a helicopter. All agreed, in the end, that the \$91 million in escalated 2017 dollars that had been budgeted for security was realistic.

Honourable senators, the federal government was being asked to support only \$11 million — \$10.9 million, to be exact — of that security budget as part of its overall commitment. That is a touch over 10 per cent of the overall security budget, or 0.6 per cent of Expo 2017's total cost. That is a long way from the \$1 billion bogeyman budget that the Minister of Heritage and Ms. Ambrose were throwing in the media's face when the government turfed Edmonton's bid. The second major argument for not supporting Edmonton's bid was also a flack screen — a reason that exposes a political arrogance of colossal proportions.

Honourable senators, the Prime Minister began his long political ride to 24 Sussex Drive by echoing the clarion call that Alberta and the West want in. He and many other Albertans repeated over and over that, through the decades, Alberta had paid into Confederation many billions of dollars more than they had received back from federal government, and that is true. What goes around comes around, though, because when in past times Alberta needed help, it sometimes came from other parts of Canada. However, in more recent times, Alberta has more than paid that back and in spades. These days, Alberta is, in many respects, keeping Canada afloat.

Alberta has also been extremely loyal in continually sending MPs to Ottawa who support this Prime Minister and who supported his predecessors from both sides of the present Conservative coalition. However, the Prime Minister said in a newspaper interview that those elected MPs, the Conservative caucus, were clear in their view that not funding Edmonton's bid was the right move — so much for having a seat at the table. The government encouraged the city to bid. They reacted positively, giving the bid organizing committee every reason to anticipate some help. Right down to the wire, they led the city on.

Honourable senators, there are ways in which governments deal with each other; ways in which a government can appropriately signal its concern over budgets and security costs. There are ways in which and times at which a government can say "No," or "Yes, but not that much." However, not a hint of those ways, not a single signal or budgetary or security concern was expressed or given to the bid organizing committee. There were no negotiations, no discussions, nothing.

An Hon. Senator: Shame.

Senator Banks: Honourable senators, I have been wracking my brain trying to make logical sense and political sense of the government's decision and the way in which it delivered its decision.

Logically, as I have, I hope, convinced you, the denial does not make any sense. The budget deficit argument is phoney. The real meat and potatoes of the federal contribution would not start until after the government wrestles the deficit to zero. The province was kicking in significantly more than the feds were being asked for, and Edmonton has an unbroken, unsullied, pristine record of delivering these kinds of events on time, on budget and leaving a legacy behind — not debt, legacy.

Honourable senators, the security argument is also a smokescreen. The site is uncommonly securable. All the experts say that the security can be done for \$91 million 2017 dollars, of which the government was asked for \$10.9 million. The

Conservative government seems to have found no problem providing a far more expensive G20-type of security for the Pan Am Games, which we want. It is not a mug's game. I am not playing that mug's game argument of odious comparisons. I am simply pointing out that the security landscape for an international multi-venued, multi-sited athletic competition is a big apple, and an Expo 2017 level fair is a little orange. Logic does not point to the government's motivation. The answer, therefore, must lie in politics. The government must be politically misguided.

Senator Moore: It must be. Is that possible?

Senator Banks: Sometimes it is. Sometimes it lacks the warmer human qualities, I guess.

An Hon. Senator: Humour, too.

Senator Banks: They have humour sometimes, but "human" I am not sure.

The only sense that I can make out of the government's decision is that the Prime Minister is yet again playing wedge politics. With even the slimmest political majority in his sights, the Prime Minister has shown many times over that he is willing to fly in the face of fact, science, logic and even, sometimes, of widespread condemnation and ridicule to show a narrow band of right-wing, single-issue guys that he is their guy. Now he has done it again. The only political logic I can see in the government's decision is that the Prime Minister is hoping that those bunch of hard right, government hating, tax hating, kill the deficit come hell or high water voters will throw their next vote to him.

The betrayal that Edmontonians and Alberta has experienced from their Prime Minister, from their regional minister, from most of their MPs, I guess, and from rest of the federal government is the very same kind of betrayal that the former Reform Party and its successor were initially dedicated to eradicate, except this time, honourable senators, the betrayal is not the betrayal of the West by the minions of the Central Canadian Golden Triangle; this time it is the betrayal of the West by their own. That is, by the Prime Minister, by the Minister of Canadian Heritage, by the regional political minister — Westerners all. In betraying Edmonton's bid, northern Alberta's bid, Canada's bid for Expo, he was laying odds that he could win more support for his decision elsewhere in Canada than he would lose in Alberta. That is how wedges work, senators. Here a wedge, there a wedge, everywhere a wedge-wedge. Pretty soon, all those little wedges are supposed to add up to just enough support to get you over the top. The only problem with wedge politics is that people get hurt.

Honourable senators, may I have one minute?

Some Hon. Senators: Agreed.

Senator Moore: Take all day; this is really good. Keep going.

Senator Banks: In this case, however, the people who got hurt were those who had been very loyal to the people who did the hurting.

I cannot help but point out that under the previous government, honourable senators, the Edmonton minister, Anne McLellan, showed what it actually meant to have a seat at the table. Some

current Alberta members of the House of Commons with seats at the table may have worked hard to support the Edmonton bid, but the result speaks for itself. In Anne McLellan's day, the support of Edmontonians was not taken for granted. She did not always say yes, but she knew when and how to say no. There are ways to say no. There are times to say no. There are times during a process to say, "Stop. Wait a minute. We have to talk about this." Senators, the way this was done was not the time and this was not the way.

(On motion of Senator Tardif, debate adjourned.)

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Maria Chaput, pursuant to notice of November 30, 2010, moved:

That, notwithstanding the Order of the Senate adopted on Wednesday, March 24, 2010, the Standing Senate Committee on Official Languages, which was authorized to study the application of the *Official Languages Act* and of the regulations and directives made under it, be empowered to extend the date of presenting its final report from December 31, 2010 to March 31, 2011; and

That the Committee retain until June 30, 2011 all powers necessary to publicize its findings.

She said: Honourable senators, I would like to explain why the committee is seeking permission to extend the date for tabling its final report.

The Standing Senate Committee on Official Languages has decided to study anglophone communities in Quebec and their particular strengths and challenges. In the interest of time, your committee went to meet with communities at the beginning of September, during the week before the Senate resumed.

That is a first. This study of the anglophone community in Quebec — an official language minority community, do not forget — sparked a lot of interest and raised many expectations.

• (1620)

When the work of the Senate resumed in September, the committee wanted to meet with representatives of all the anglophone groups and associations in Quebec that had asked to appear before our committee. We had to allow a little more time than planned to hear the witnesses. We still need to hear from two groups of witnesses, as well as a minister and the President of the Treasury Board. All the work will be concluded before the holidays.

The report outline was approved by the Subcommittee on Agenda and Procedure, and when we return after the Christmas break, we will focus on the drafting the report. We hope to table the report by the end of February at the latest.

That is why I am seeking permission to extend the deadline for tabling the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ACCESSIBILITY OF POST-SECONDARY EDUCATION

Hon. Art Eggleton, pursuant to notice of November 30, 2010, moved:

That notwithstanding the order of the Senate adopted on March 18, 2010, the date for the presentation of the final report by the Standing Senate Committee on Social Affairs, Science and Technology on access to post-secondary education in Canada be extended from December 31, 2010 to March 31, 2011 and that the date until which the committee retains powers to allow it to publicize its findings be extended from June 30, 2011 to September 30, 2011.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

[Translation]

ADJOURNMENT

Leave having been given to revert to Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, December 7, 2010 at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, December 7, 2010, at 2 p.m.)

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• VOLUME 147

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OFFICIAL REPORT
(HANSARD)

Tuesday, December 7, 2010

—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, December 7, 2010

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of family and friends of former Senator Atkins, including his beloved partner, Mary LeBlanc; his sons, Peter, Geoffrey and Mark; and other members of his family and friends.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE NORMAN K. ATKINS

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Government in the Senate, who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Norman Atkins, who passed away on September 28, 2010.

I remind honourable senators that pursuant to the *Rules of the Senate*, each senator may speak once and for three minutes only; however, is it agreed that we continue tributes to Senator Atkins under Senators' Statements for up to a maximum of 30 minutes?

Hon. Senators: Agreed.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will keep my remarks to three minutes, but I could speak for hours on the life of Senator Atkins.

Honourable senators, I rise today to pay tribute to our former colleague, the Honourable Senator Norman Kempton Atkins, who passed away on September 28. Senator Atkins was a dear friend for many years, and he is greatly missed.

Norman's lifetime in politics began as a teenager under the tutelage of his eventual business partner and brother-in-law, Dalton Camp, who recruited him in 1952 to work on the New Brunswick provincial election. This election was a great victory for the Progressive Conservatives led by Hugh John Flemming, who later came to serve in Ottawa as a cabinet minister in the government of the Right Honourable John George

Diefenbaker. That was when I first met Hugh John Flemming. It was the first in a long string of campaigns for Norman. Most of them resulted in great successes, although as Senator Meighen can attest, not all of them did.

Honourable senators, it is impossible to hear the words "Big Blue Machine" and not think of Norman Atkins. He was National Campaign Chair for former Prime Minister the Right Honourable Brian Mulroney, who produced two majority governments in 1984 and 1988. He also brought his considerable talents to the campaigns of the Right Honourable Robert Stanfield, former Ontario Premier William Davis and former Manitoba Premier Duff Roblin. As well, he worked as President of Camp Associates Advertising Limited and as Director of the Institute of Canadian Advertising.

In June 1986, Prime Minister Mulroney recommended that Norman Atkins be summoned to the Senate of Canada, where he proudly represented the people of Ontario. I well remember that happy day as I toiled away in the Prime Minister's Office when Norman was named to the Senate. It was a great celebration. I know his family still has the cartoon that signified that great day. Norman Atkins served as the Progressive Conservative national caucus chair and Senate caucus chair.

During the two decades that followed, the Senate of Canada greatly benefited from his wisdom, good humour and keen political insight. Though our political paths diverged in recent years, we remained good friends, and I have personally benefited more than I can say from his guidance and help over the course of several decades.

Senator Atkins was tremendously dedicated to his duties in this chamber, even as he experienced serious health issues in recent years. Although he was a member of numerous Senate committees during his time here, Senator Atkins' committee work particularly focused on the Standing Senate Committee on National Security and Defence and its Subcommittee on Veterans Affairs. Norman was a fierce advocate for the men and women of the Canadian Forces, our veterans and their families. This dedication no doubt reflected the intense pride that he felt for the service of his father, George, as a gunner in the Battle of Vimy Ridge.

Honourable senators, when Senator Atkins said goodbye to the Senate of Canada a year and a half ago after serving nearly 23 years and spending a lifetime in politics, he had every reason to believe and expect that he had earned and deserved a long retirement. Sadly, that was not to be the case.

• (1410)

On behalf of all Conservative senators, I extend sincere condolences to his beloved Mary; his three sons, Peter, Geoffrey and Mark and their families; and many of Norman's friends, and our friends, who are in the gallery today. I want them to know that all honourable senators feel their loss too and miss the Honourable Norman Atkins very much.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I want to add my voice to the tributes paid to our late colleague, Senator Norm Atkins, a man whom so many of us on both sides of this chamber counted as a good friend and mentor.

It was a year and a half ago, as Senator LeBreton has said, on June 30, 2009, that many of us rose on the occasion of Senator Atkins' retirement to pay tribute to his long career and many accomplishments. We spoke of the great impact he had on so many of us, as well as on the political life of this country.

There was also, as I recall, a fairly boisterous party in the chambers of Senator McCoy that night in his honour, when many stories were told and much laughter shared. We all anticipated a long and happy retirement, and relished the thought and the anticipation of the lively and insightful memoirs we were confident he would produce. Instead, here we are, 18 months later, mourning his loss.

Senator Atkins was many things, but above all, he was a man of politics; a consummate politician in the best sense of the word. As we know, politics is not universally regarded as the high calling to public service that many of us believe it can and should be. Senator Atkins understood politics in all of its aspects, high and low. He loved ideas, the stuff of serious public policy debate, and he loved, and was a master of, the game of politics but he never forgot that the game cannot be an end in itself. He was a true man of principle and conviction.

In preparing these remarks, I happened upon a eulogy written by William Safire, honouring an American senator who was also a consummate politician. Mr. Safire took the opportunity to try to put into words what it means to be a politician in the finest sense of the word. He wrote:

A politician knows that more important than the bill that is proposed is the law that is passed.

A politician knows that his friends are not always his allies, and that his adversaries are not his enemies.

A politician knows how to make the process of democracy work, and loves the intricate workings of the democratic system.

A politician knows not only how to count votes, but how to make his vote count.

A politician knows that his words are his weapons, but that his word is his bond.

A politician knows that only if he leaves room for discussion and room for concession can he gain room for manoeuvre.

A politician knows that the best way to be a winner is to make the other side feel it does not have to be a loser.

And a politician —

— and certainly colleagues, a politician in the tradition of Norman Atkins —

knows both the name of the game and the rules of the game, and he seeks his ends through the time-honoured democratic means.

Honourable senators, I think we can recognize, in these words, our friend and colleague. They reminded me of the excellent speech he gave here on his retirement. I could quote a number of sections from that speech, but I will content myself with quoting the following:

One question that I always used as a gauge of my time in the Senate is: Have I made a difference and has my time in the Senate contributed in some way to make the life of Canadians better?

That is the key to our role in this house. We are here to serve Canadians. . . .

Honourable senators, I think we all agree that Senator Norman Atkins succeeded in this role, the greatest standard anyone can set for themselves. He made an extraordinary difference to the lives of so many Canadians, and he left an indelible mark in the Senate, which he loved and respected so much. He did so with grace, intelligence, humour and basic good sense.

I did not always agree with him, but I can say confidently there was never a time when I did not respect and admire him. He truly represented the best of political life in Canada. He will be sorely missed.

Hon. Lowell Murray: Honourable senators, I had the honour to be among the eulogists at the funeral of our late friend in St. John the Evangelist Church on October 5. My purpose today in this chamber, following upon the excellent speeches of the Leader of the Government in the Senate and the Leader of the Opposition, is to offer a brief appreciation of Norman Atkins as senator.

Norman Atkins loved this place. Over time, he became the unabashed and uncontested champion of the Senate as the Fathers of Confederation created it — appointed with tenure; empowered to reject abuse of prerogative, whether by the executive government, the elected house or both; sworn to give sober second thought to legislation; and in recent times to offer original and more coherent approaches to national policy.

This was the Senate he defended and believed in with all his heart and soul. The only Senate reform Norman Atkins would countenance was one in which we carried out our responsibilities more bravely and were less reticent about doing so.

Like most of us, Norman Atkins came here from a partisan political background. It may seem paradoxical that in this place, which is withal an adversarial forum, he so seldom sought partisan advantage. However, just as it was his collegiality that made him so successful as a party organizer, it was this same quality that enabled him to work across party lines and become such a good senator.

[Translation]

When I think about the speeches he made here, I think about how he passionately defended the causes he held dear: members of our Armed Forces, veterans, post-secondary students, children living in poverty. This concern for others was most admirable in a man who was afflicted by many illnesses in the last decade of his life.

Norman withstood this pain with astonishing calmness and good humour. His response to any kind of sympathy was always the same, "Old age is not for sissies."

[*English*]

A day came when Norman chose to sit as an independent senator. He had been, as we know, the quintessential party man. He understood better than most how political and parliamentary life is a team sport and no one was ever better suited to it.

Still, there were principles more important to him, and he chose to bear witness to them by remaining a Progressive Conservative, even after the party had disappeared from Parliament. I know, and it needs to be said, that he had not a moment's hesitation about the course he should take at that juncture, and to his dying day had not a moment's regret for having taken it.

He engaged as enthusiastically as ever in his work as a senator. He encouraged his colleagues and valued their friendship, as they did his. Norman Atkins was a man of principle, patriotism and partisanship, always in that order of priority.

Hon. David P. Smith: Honourable senators, I rise to pay tribute to the late Senator Norman Atkins, and I want to focus on one particular aspect of his personality.

He came to the Senate in 1993. He had chaired, and been involved in, numerous federal and provincial campaigns before coming here — the same seems to be my lot in life at the federal level. He had worked with Premier Davis, in particular, also with Premier Roblin, and we heard that he was close to former leader Robert Stanfield and Prime Minister Mulroney.

When he came here, he became a friend of former Senator Keith Davey, who came here in 1966. When I was 22 years old — I had finished university and was about to go to law school — he said: "you come and be my right-hand man in Liberal headquarters. You will be the national youth director and go coast to coast every month." This was in preparation for the 1965 election.

• (1420)

I like it when gentlemen like Senator Davey and Senator Atkins make democracy work, and they are on opposite sides. They became friends, then close friends. I am sorry if I become emotional. It is important to say these things.

It is fine to have all the policy differences we want, but never become nasty or personal. Make democracy work. I cannot think of any two gentlemen who lived that more than former Senator Keith Davey and his good, good friend Norman Atkins.

Hon. Senators: Hear, hear!

Senator Smith: To the family, to Mary and their sons, I want to say it was a moving service. I thought to myself, "Boy, it would be nice if my three kids would get up and speak about me like that when my time comes." That is the best tribute I can give them. Mary, thank you very much for being here today.

[Senator Murray]

Hon. Kelvin Kenneth Ogilvie: Honourable senators, Senator Atkins, or "Senator Norm" as some of us called him, was a true friend to me and my wife. Our enjoyment of his friendship arose out of his love of his alma mater, Acadia University, and due to his interest in family history and especially the history of Nova Scotia and New Brunswick during the Age of Sail.

Senator Norm made a major contribution to Acadia University as an unabashed supporter wherever he went; as a sponsor of events from Wolfville to the Hill; and through direct involvement with the School of Business, the alumni and athletic programs. He was personally involved, committing his time, effort and personality to events and issues where he saw the opportunity to help make a difference.

I also want to speak personally about the wonderful, warm and easy friendship that Roleen and I shared with Senator Norm. He often came to our home by the Bay of Fundy, where we talked through his interests in current political issues, issues facing our country, events at Acadia, but most especially the history that has unfolded on the very bay we overlooked and our shared ancestors in the Spencer's Island area across that bay.

My testimonial today is not one to list his many organizational and business accomplishments but rather to tell of a great and generous personality, one filled with warmth — one where we teased, joked and explored so many issues of mutual interest.

We miss our Senator Norm. We cannot quite believe he is physically gone from us but we salute him and we treasure our memories of the happiness we shared over nearly three decades.

Hon. Wilfred P. Moore: Honourable senators, I wish to be associated with remarks made by so many honourable senators here this afternoon. Senator Norman Kempton Atkins was a steadfast Canadian and a consummate senator. He always strove for the good of Canada, seeking the common ground and reaching across the aisle when that was deemed to be the wise thing to do.

As Senator Ogilvie mentioned, there was his devotion to Acadia University — the blue, white and garnet that he played for, bled for and constantly supported. How I savoured my hearty discussions and conversations with him about the rivalry between his Axemen at Acadia and my Huskies at Saint Mary's University.

I shall miss him. I shall miss the dinners we enjoyed at his and Mary's home, his wisdom, his advice and his friendship. My thoughts go out to his family members, the boys and Mary. I shall miss him very much. I miss him now.

I remember when Senator Cowan, Senator Munson and I went to an Acadia University event about two or three years ago when they inducted Norman into their special hall of fame. The tributes that filled that night were absolutely deserved and he was so proud of that university and his work with it — with the School of Business and on the board. Many schools would be well served to have an alumnus like Norman Atkins.

Hon. Elaine McCoy: Honourable senators, I rise to echo the sentiments of the honourable senators and to say that coming to grips with the sudden loss of a good friend is never easy. I think it is particularly hard when that good friend is Norman Kempton — or “Kemp,” as some called him, or “Norm” — Atkins, a man whose great soul embodied the very spirit of the Canada we all love and cherish.

He was generous, as many honourable senators have said, and he had a love of people so vast that he made room for everyone within his enormous embrace. Norman always found ways to bring us together, even when we did not share the same point of view. What could be more Canadian than that?

We are a country built on conversations — countless conversations — with one another and that is what Norman did. Day after day, he reached out by telephone to his immense network of friends, new and old. He talked to us. He would gentle us along and weave this magical space in which we could come together and happily work as well as play, as Senator Cowan reminded us.

He set boundaries, of course, but they were easy to live within. As has been mentioned, he held to four profound values: friendship, loyalty, principle and commitment. Although he expected others to live up to his values, he never rushed to judgment; he simply carried us all along in his heart, lightly and lovingly, believing that ultimately we would act as honourably as he inevitably did.

He left us far too soon. His friends, family and also our country are in dire need of his wise and generous counsel in this increasingly fractious, factional and selfish world we live in.

We will continue to try to live up to Norman's expectations of us, but I cannot tell honourable senators how often in the last few weeks I have suddenly stopped and wondered, “What would Norman say?” I would go to ask him and realize that was not there to give me his counsel directly anymore.

Now all we have left are one another and a cherished role model for how to keep the spirit of Canada alive. I think the best tribute we could give to Norman Kempton Atkins is for each and every one of us to make a commitment in our hearts to model ourselves after him, especially in this chamber. We owe it to him. I urge every honourable senator to take that commitment deeply to their hearts and to live up to his expectations.

Finally, I will say to Norman: Thank you so very much for showing us all the way.

Hon. Senators: Hear, hear!

Hon. Joseph A. Day: Honourable senators, I rise today to join in paying homage to our former friend and colleague, the Honourable Senator Norman Atkins, who passed away September 28, 2010.

It was such a short time ago that we had tributes here in this chamber for our colleague when he retired from this place on June 27, 2009. Senator Atkins sat in this chamber for more than

23 years. Throughout his life, he gained a reputation as a thoughtful and prospective senator, whose advice and observations were always appreciated by other honourable senators and the staff here in the Senate.

He was always ready to help other senators on either side of this chamber if ever asked to do so.

• (1430)

One needs no better example of the character of the man than his decision to sit as an independent Progressive Conservative senator after the merger of his Progressive Conservative Party with the Canadian Alliance Party in 2003. He was a man of principle and he was a man of courage.

I had the great privilege of getting to know Senator Atkins during the nine years we served together on the Standing Senate Committee on National Security and Defence and the Subcommittee on Veterans Affairs. In those years, I developed a great respect for him.

Norman always seemed to be at his best when travelling throughout Canada and on our visits to Washington and throughout the world. A trip of particular importance to him was a visit on the ninetieth anniversary of the Battle of Vimy Ridge and the re-dedication of the restored Canadian National Vimy Memorial in 2007. This was a special visit for Norman as his father fought at Vimy Ridge. Many of us have had the privilege of reviewing the diaries that his father had written during that campaign. Through those diaries, we gained some insight into the life of a soldier in the First World War. Senator Atkins' dedication and passion for serving and retired military personnel and their families was truly inspiring.

Honourable senators, before he was appointed to the Senate, Senator Atkins had developed quite an extensive resumé in his own right. As we have heard, he was very active in the advertising industry with his brother-in-law, Dalton Camp. He was always very active in charitable matters. He was former president of the Albany Club in Toronto, where many important meetings took place. He used to talk about those meetings, for example, as they dealt with his work in the diabetes area.

When Senator Atkins was not hard at work in Ottawa or in some of his volunteer positions, he would often retreat to his favourite place in the world, his cottage on Grand Lake at Robertson's Point. Honourable senators, those close to him and neighbours on the lake would often refer to him, to his great delight, as the mayor of Robertson's Point.

I extend my sincere condolences to his three sons — Peter, Geoff and Mark — and to Mary LeBlanc.

Honourable senators, this chamber develops its reputation from the work and the actions of those who have the privilege of serving here. This institution is more highly respected today due to the contributions of the distinguished Honourable Senator Norman Kempton Atkins.

Hon. Senators: Hear, hear!

Hon. Hugh Segal: Honourable senators, as we all know, Senator Atkins served the people and the Progressive Conservative parties of New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, Ontario, Manitoba, Saskatchewan, and Canada. These were the parts of Canada where he deployed his remarkable skills in campaigning humanity.

[Translation]

He earned his spurs all across Canada because of his ability to win election campaigns and because of the leadership role he played with the best candidates. We no longer see those types of campaigns, party leaders or strategies these days, but they will always remain at the heart of the desire for an open, competent and humane political commitment.

[English]

I use the term "campaigning humanity" not to coin a phrase but to reflect the reality of Norman Atkins' approach. The right mix of humanity, people of all ages, genders, different backgrounds and experiences made every campaign richer in resource and reach. A leader who welcomed this mix was a leader he could trust and those of us loyal to Norman Atkins could work for, a leader or a party interested in the narrow, exclusive and self-reverential was one he and the rest of us would all avoid.

He may have hailed from Montclair, New Jersey, served with the United States Army and the Army of the Rhine and felt more at home at Robertson's Point, New Brunswick, just a few minutes from the metropolis of Jemseg, but he was "all Canadian" in every possible sense of that term.

While I regret that I failed to make my case to him sufficiently well to have him join the Conservative caucus, I admire his tenaciousness on the "Progressive" adjective of one of our federal and historic parties. It was about principle and humanity on his part and from what vantage point these might best be advanced. He and I may have disagreed on that vantage point, but I remained and remain his loyal pupil on the principle and humanity itself.

One always has to weigh the mix of loyalty, principle, efficacy and freedom connected to any circumstance within or without a political party. Senator Atkins did that, as we all should. Disagreement with a colleague may not last forever and should never get in the way of mutual respect or affection.

His legacy: decency, honour, humanity, humour and loyalty. His survivors: a family of three boys, all outstanding successes in their chosen fields; wonderful daughters-in-law and grandchildren; Mary, his life companion and her family; and friends and admirers as far as the eye can reach.

He was the ultimate gentleman, player and politician. Of all the things for which I thank the good Lord, having known, worked with, reported to, supported and learned from Norman Kempton Atkins will always rank among the most important.

Hon. Terry M. Mercer: Honourable senators, it is with mixed emotion that I stand today to pay tribute to my good friend, Norman Atkins.

Norman and I were on the opposite sides of many a political battle over the years; he won most of them. However, it was not until I came to this place that I got to meet Norman Atkins, the man. I quickly came to admire him, and we quickly became friends. As time went on, he and I, my wife Ellen, and Mary spent time together. After a Senate event, we would go out for dinner and discuss the problems of the world. We solved them all; unfortunately, no one took notes.

As Senator Segal and others have said, Norman was the consummate politician. He understood almost every problem, analyzed it, talked about the involvement of people in solving the problems and was willing to be flexible enough to know that the answers did not always come from his side but from good discussion amongst all of us.

I also had the pleasure of working with Norman as a member of the diabetes caucus on Parliament Hill. We worked together in that diabetes caucus to ensure that the position of the Canadian Diabetes Association was kept alive amongst colleagues who have diabetes as an issue. He was a great example of that, and he kept the fight against diabetes alive on Parliament Hill. It was my pleasure yesterday on Parliament Hill to host the Canadian Diabetes Association, where they tested parliamentarians and their staff to see if we were prone to diabetes.

In my opening remarks at breakfast yesterday to the group in the Parliamentary Restaurant, I reminded them of the contribution that Senator Norman Atkins made to the Canadian Diabetes Association and to ensuring the issue of diabetes is at the forefront of discussion on Parliament Hill.

To Mary and to his sons, I give you my love and respect. I can tell you that I miss him very much already.

Hon. Art Eggleton: Honourable senators, I offer a bit of a different perspective on Norm Atkins. Norm lived for quite a number of years in Toronto, and I think we all know of his work for the great Ontario Premier, Bill Davis, in those years. However, in those years also that I spent as Mayor of Toronto, he was both supportive and a good adviser to me.

I think that in addition to all of his contributions through the Senate and to the people of Canada, there are also the contributions to the people of Toronto and of Ontario that I would like to remember.

Of course, when I came to Ottawa following those years as Mayor of Toronto and spent five years as the Minister of National Defence, I heard a lot about his interests and his concerns about the people serving in uniform for our country. I am very happy to join my colleagues today in honouring Norman Atkins and offering condolences to his family.

• (1440)

[Translation]

ROUTINE PROCEEDINGS

COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

2010 FALL REPORT TO THE HOUSE OF COMMONS— REPORT AND ADDENDUM TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2010 Fall Report of the Commissioner of the Environment and Sustainable Development to the House of Commons, as well as an addendum that contains copies of environmental petitions received under the Auditor General Act between January 1 and June 30, 2010.

STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

THIRD REPORT OF OFFICIAL LANGUAGES COMMITTEE—GOVERNMENT RESPONSE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government's response to the third report of the Standing Senate Committee on Official Languages, entitled: *Implementation of Part VII of the Official Languages Act: We can still do better.*

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE PRESENTED

Hon. David Tkachuk, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, December 7, 2010

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

NINTH REPORT

Your Committee recommends that the current *Taxi Policy*, adopted by the Senate on December 20, 1989 (Thirty-First Report of the Internal Economy Committee) be repealed, and that the repeal of this policy be effective 30 days after the adoption of this report.

Your Committee wishes to inform the Senate that on December 2, 2010, a proposed revised *Senate Taxi Policy* was reviewed and adopted by the Committee.

The *Taxi Policy* applies to all persons in the workplace, including Senators, staff of Senators, and staff of the Administration.

This new proposed policy will take effect on the repeal of the current policy as provided in this report. Copies of the policy will be made available on the IntraSen.

Respectfully submitted,

DAVID TKACHUK
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Tkachuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

GENDER EQUITY IN INDIAN REGISTRATION BILL

SIXTH REPORT OF HUMAN RIGHTS COMMITTEE PRESENTED

Hon. Nancy Ruth, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, December 7, 2010

The Standing Senate Committee on Human Rights has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada* (Registrar of Indian and Northern Affairs), has, in obedience to its order of reference of November 25, 2010, examined the said bill and now reports the same without amendment.

Your committee has also made certain observations which are appended to this report.

Respectfully submitted,

NANCY RUTH
Chair

(For text of observations, see today's Journals of the Senate, p. 1050.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Nancy Ruth, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

THIRD REPORT OF COMMITTEE PRESENTED

Hon. David P. Smith, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, December 7, 2010

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

THIRD REPORT

Pursuant to Rule 86(1)(f)(i), your committee is pleased to report as follows:

Paragraphs 86(1)(b) and (c) of the *Rules of the Senate* provide that there shall be a Standing Joint Committee on the Printing of Parliament and a Standing Joint Committee on the Restaurant of Parliament. No senators have been appointed to these committees since 1984 and the committees have not functioned over this period. The House of Commons removed reference to the Standing Joint Committee on the Printing of Parliament from its Standing Orders in 1986, and they never referred to the Standing Joint Committee on the Restaurant of Parliament. The other place has not named members to the Restaurant Committee since 1980.

Your committee therefore recommends:

That rule 86(1) be amended by:

1. deleting paragraphs (b) and (c), and
2. relettering paragraphs (d) through (t) as (b) through (r).

Respectfully submitted,

DAVID P. SMITH, P.C.
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Smith, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

THE SENATE

NOTICE OF MOTION TO SUSPEND THURSDAY'S SITTING

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, on Thursday, December 9, 2010:

- (a) if the Senate is sitting at 3:45 p.m. it shall suspend and resume no later than 5 p.m., after a fifteen minute bell;

(b) if a standing vote on a debatable motion is requested before 3:45 p.m. and cannot be completed before that time, it shall be deferred until after the sitting resumes in accordance with paragraph (a) and the bells for the vote shall start ringing only after the sitting resumes, with the vote to take place fifteen minutes later;

(c) if a standing vote on any other motion is requested before 3:45 p.m. and cannot be completed before that time, the sitting shall be suspended until the time provided for in paragraph (a), and the bells for the vote shall ring in accordance with the provisions of paragraph (b); and

(d) the application of rule 13(1) shall be suspended, and the sitting shall continue past 6 p.m. if required.

BILL PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

[English]

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-35, An Act to amend the Immigration and Refugee Protection Act.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PROVISIONS AND OPERATION OF THE ACT TO AMEND THE CRIMINAL CODE (PRODUCTION OF RECORDS IN SEXUAL OFFENCE PROCEEDINGS)

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the provisions and operation of the *Act to amend the Criminal Code (production of records in sexual offence proceedings)*, S.C. 1997, c. 30; and

That the committee report to the Senate no later than June 30, 2011 and retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF PANDEMIC PREPAREDNESS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Art Eggleton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science, and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its report on Canada's pandemic preparedness, by December 31, 2010, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

• (1450)

THE SENATE

NOTICE OF MOTION TO RECOGNIZE DECEMBER 10 OF EACH YEAR AS HUMAN RIGHTS DAY

Hon. Mobina S.B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada recognize the 10th of December of each year as Human Rights Day as has been established by the United Nations General Assembly on the 4th of December, 1950.

QUESTION PERIOD

INDUSTRY

LONG-TERM DISABILITY BENEFITS— NORTEL EMPLOYEES

Hon. Art Eggleton: Honourable senators, my question is to the Leader of the Government in the Senate.

I want to read portions of a letter received from Ann Hackett. She says:

I am a Nortel Networks disabled employee and I am a highly educated individual. When Nortel hired me in 1988, I was told that they highly valued their employees, and consequently they were offering the best benefit coverage to be found. Never the fact that this benefit program was self-insured by the company was mentioned. Thinking that my family and I were fully insured, I declined on many occasions opportunities to get insurance . . . which is now totally impossible in my condition.

I fully paid my contributions into Nortel's benefit plans; Nortel did not pay its share, not to mention that money from the fund was used for other purposes and that unsecured loans were taken against my future benefits. It is Nortel's responsibility to pay for its part of our contract. I am the mother of a ten year old child, I survived from a severe cancer which let me disabled. I fought extremely hard for my life, and now the perspective of losing my long term disability benefits by December 2010 causes me and my family a tremendous amount of stress and instability.

. . . failure to pass Bill S-216, Canadian taxpayers will eventually have to support the burden of Nortel despicable actions the day disable employees become left with no other alternative but to seek shelter from the state. The UK and other western nations have enacted laws to protect their citizens in a situation such as mine.

Employees were Nortel's most valuable asset; we worked hard and had confidence in our company. Most of my RRSP has been wiped out in the Nortel bankruptcy. We now find ourselves in line with bond sharks and speculators to recover money to pay for our own basic needs, and not to reap millions in profit or bonus. There are no other words to describe this injustice.

Nobody wants to be sick or disabled. Constant worry about what will happen when the disability/medical payments stop on Dec 31st, 2010 is a nightmare. Time is quickly running out for us . . .

In this coming Christmas time, I hope that, in your heart, you will find the strength to make the right decision for the sake of all 400 Nortel disabled employees. On Christmas day, when your loved ones will look in your eyes in happiness, only you will remember and imagine what shines from our eyes and the ones we love on the same day, but also for the rest of our life.

We thus turn our lives in your hands and ask you to save us from this injustice that struck our families in time of illness.

I ask the minister this question: Since the government has made the decision that it does not support Bill S-216, what will the government do to help these Nortel employees before the end of

the year? Will the leader do the right thing in the spirit of this time of year? Christmas is a time of miracles. These people need a miracle. What will the government do?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the letter that the honourable senator read into the record is sad and troubling. All our hearts go out to people from Nortel who are caught in this bad situation.

As a matter of record, I encountered a close friend of mine on Saturday who, of course, is also a Nortel employee. I think, though — and it pains me to say this — the reality is, and the honourable senator knows this, and even people that I have talked to know this, that Senator Eggleton's bill would have done absolutely nothing to help the unfortunate victims of the Nortel bankruptcy. That is a statement of fact.

Senator Moore: How so? That is shameful.

Senator LeBreton: Honourable senators, the government also was in the position of being asked to intervene in a situation that has already been settled in the courts.

At the moment, as we know, Nortel is going through restructuring. It can only be hoped that in this restructuring process, when December 31 arrives, the pensions will not end at that time. We have reason to be hopeful. I am hopeful that is the case.

As the honourable senator knows, at the moment, many other programs are available through the government, not only the federal government but also the provincial government, to assist people with disabilities. It is to be hoped that these and any future programs will continue to help and benefit people who, unfortunately, are faced with long-term disabilities.

No one, including myself, likes to contemplate people spending Christmas in such unhappy circumstances.

Senator Eggleton: I strongly disagree with the minister's assessment of whether Bill S-216 will help people. That assessment does not align with what expert witnesses told us; it does not align with what almost every other country that is a trading partner of ours already does. We can deal with that issue later in the subject of debate, which is still part of our agenda.

The minister said there are other ways that the state can help these people. Sure, there are Canada Pension Plan Disability Benefits, but they have a maximum of about \$13,000. These people, on average, have \$12,000 in medical expenses alone. Those benefits will not pay the rent or put food on the table. There is also welfare, but one can understand why they would not want to go on to welfare. Why should the government have to pick up the tab when it should be Nortel that does that? They have the assets.

Senator Mercer: Hear, hear!

Senator Eggleton: I want to ask the minister about the Standing Senate Committee on Banking, Trade and Commerce. After the Banking Committee decided against my bill, a majority on a vote

of six to five — in fact, it was Senator Greene who moved the motion — voted that we send a letter to the government and ask that they do something to help these people.

On behalf of all the Conservatives who voted on that particular motion, what will the government do? If it is not Bill S-216, then what is it?

Senator LeBreton: The honourable senator talked about the Banking Committee and witnesses. However, senators also heard from witnesses who confirmed that the Nortel long-term disability recipients would not be helped by this bill. Witnesses also warned that endless litigation would result for all those involved.

The fact of the matter is — and this fact is acknowledged by people I have spoken to — this situation is a result of a court-approved settlement among all the parties. It was arrived at under the legislation in effect at that time. As much as the honourable senator would like to wish it so, he knows full well that his bill would not have helped the Nortel pensioners.

• (1500)

As I have mentioned before, the government is concerned and committed to finding solutions to address this serious problem. We acknowledged the seriousness of this matter when we made a commitment in the Speech from the Throne to better protect workers when their employers go bankrupt.

The situation with Nortel has been going on for quite some time. The bankruptcy and the failure of Nortel, I believe, started to develop when the honourable senator was in government. This is a long, sad story. However, the fact of the matter is that, although most of us wish it were not so, the honourable senator's bill would have done nothing to assist the Nortel pensioners.

Hon. Pierrette Ringuette: Honourable senators, I am a member of the Banking Committee and I want to set the record straight. I want to talk about the facts. The witnesses who appeared before the committee, to whom the leader referred, could not prove the issues of cost, litigation or retroactivity, which the leader's colleagues, as members of our committee, have included in their report.

With regard to the issue of cost, how can the leader accept that the seven CEOs of this company that is under bankruptcy are paying themselves \$8 million in bonuses only, on a one-year basis, while the people who are on long-term disability, afflicted with MS and so forth, cannot get the proper attention of her government?

Furthermore, with regard to retroactivity, we will soon have before us in this house a bill called Bill C-47. That again is a government bill, but in at least two places in that piece of legislation, there is retroactivity.

Why is retroactivity okay when it comes from this government, but it is not okay with regard to helping the people who desperately need it?

Senator LeBreton: Honourable senators, the retroactivity I am referring to is that this was a court-ordered settlement. The private member's bill introduced in this place by Senator Eggleton would not have helped the people of Nortel. No one derives any joy from any of this. It is a very sad situation.

I cannot answer for Canadian companies as to how they restructure themselves. Those matters are for others to comment on.

All I can say is that the government has made a commitment, as I have said before, and we made a commitment in the Speech from the Throne to address the issues in order to better protect innocent victims of companies that go bankrupt.

Again, since I am an optimist by nature, and since I do know that Nortel is going through restructuring, I am hopeful that this restructuring will in fact be such that come December 31, people who are receiving their pensions and disability pensions will continue to receive them under the restructured Nortel plan.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I want to return to the last point the leader made and also to the answer she gave in response to Senator Eggleton's first question.

Last week, the leader suggested that in some way, Senator Eggleton was holding out false hope to these Nortel pensioners by introducing this bill, which she alleged was not the answer to this problem. The leader has now suggested that she is hopeful. Leaving Bill S-216 aside, both in response to Senator Eggleton and just again at the tail end of her response to Senator Ringuette, the leader has suggested that, as a result of the restructuring this company is now undergoing, she is hopeful that by the drop-dead date of December 31, this issue must be solved. We understand that.

No one would suggest that the leader is holding out any false hope, but can she explain to me and to the members of this house the basis upon which she is hopeful that, as a result of the restructuring, this issue will be solved?

Senator LeBreton: Returning to Senator Eggleton's bill, and others, we know from all the information that this was a court-ordered settlement. Senator Eggleton's bill had a long road ahead of it and it would not have solved the Nortel pensioners' issues.

With regard to my own comments, I am reflecting my own hope. There has been some comment in the media that Nortel is going through a restructuring, so I am holding out some hope for this deadline of December 31. This is not a government-driven comment; it is just me, as a person, trying to put myself in the position of these individuals. Since Nortel is still undergoing restructuring, I believe that there is some reason to hope that people who are receiving pensions and disability pensions from Nortel will not have their pensions cut off.

Perhaps it is wishful thinking on my part, but I am trying to be optimistic for these people. I know exactly what they are going through. As I mentioned, I have friends who were employees of Nortel.

If we are dealing specifically with the private legislation and not other issues that are going on, the legislation does not and will not help the employees of Nortel, principally because we are dealing with a court-ordered settlement that the Nortel pensioners participated in.

Senator Cowan: We are not talking about Bill S-216. The leader has already made it clear that the government will not support that bill. It is clear that bill is dead, although we would like to see it brought to a vote so that we can have that made absolutely clear. Let us assume, however, for the purposes of this discussion, that that bill is dead.

The leader spoke here not just as an interested, concerned citizen. She is the Leader of the Government in the Senate and she speaks in this chamber on behalf of the government, so this is not an idle comment by an ordinary senator. The leader is speaking in this chamber during Question Period on behalf of the government.

When the leader expresses a wish and a hope that out of this restructuring will emerge the answer to the problem that Senator Eggleton has tried to address, and when she says that Senator Eggleton's bill does not address that issue, let us accept that for the moment. The leader expressed a hope, as Leader of the Government in the Senate, in response to questions in this chamber. This is not just an idle comment. I ask the leader, so that no one would ever suggest that there was any false hope being held out to people who are in serious jeopardy, what is the factual basis of the hope she expresses in this chamber as Leader of the Government in the Senate?

• (1510)

Senator LeBreton: Honourable senators, there are reports that Nortel is going through restructuring and my comments were based on that information. If I am not allowed to show any sympathy for these people at all, then I apologize for doing so.

I would like to think that while Nortel is going through this restructuring they will take into consideration the pensioners and those on disability.

Senator Cowan: We have had this kind of discussion before with the leader expressing faith in people and hoping that things will happen. However, if as a result of this restructuring no action is taken by December 31, what will the government do?

Senator LeBreton: Honourable senators, I must first point out that Senator Eggleton's bill would not have addressed this problem. Second, as the honourable senator knows, only 10 per cent of pensions in Canada fall directly under the purview of the federal government. The case of the Nortel pensioners actually falls more under provincial jurisdiction. Quite a number of people have rightly expressed concern for Nortel. I am simply saying that there are programs already available at various levels of government to assist the disabled.

In the Speech from the Throne, the government did commit to find means by which we can better protect workers who become unfortunate victims of the bankruptcies of their employers. We made the commitment that we would look at ways to deal with this situation.

Honourable senators, I have said before that this is a very complex issue. It involves many jurisdictions and many departments of government. The government is seriously looking at ways to better protect employees in the event of bankruptcy, and we will continue to seek out options to provide such protection.

[Translation]

Hon. Céline Hervieux-Payette: Honourable senators, giving the private sector the responsibility for finding a solution to a problem that could have been subject to an agreement in September is risky.

We should remember that Nortel received hundreds of millions of dollars for research and development. The government invested heavily in this company to ensure its growth which, in the end, did not materialize, not because of the employees we are talking about, but because of the employees in general.

It was the management of this company that failed. It is this management that will compensate these employees by using monies that are owed for the most part to financial institutions. Does your government have a responsibility in this matter? What does the government plan on doing to solve the problem, besides expressing empty wishes?

[English]

Senator LeBreton: Honourable senators, Senator Hervieux-Payette's question is similar to that of Senator Ringuette. Nortel is a private company. The honourable senator is right that it was the previous government that put a significant amount of money into Nortel. We have privately-run companies.

The situation that developed with Nortel has been a long time coming. We have lived with this for about 10 years. I could ask Senator Hervieux-Payette or Senator Eggleton what they did when it was obvious that Nortel was in serious financial difficulty and their employees would suffer as a result.

I cannot answer for the management of Nortel, a private Canadian company. As I pointed out earlier, only 10 per cent of Canada's pensions fall under the jurisdiction of the federal government because of the way pensions are set up in Canada.

The honourable senator talked about laws that are in place in the United Kingdom and the United States. It is true that there are laws in place. When our government studies this matter to seek resolution, I am quite certain that our officials will look at examples in other countries.

I cannot answer for the executives of Nortel. There are many stories about the management problems at Nortel. I am, perhaps, dismayed like any other ordinary citizen, but there is nothing more that I can say to answer the honourable senator's question.

[Translation]

Senator Hervieux-Payette: I believe that the leader has forgotten to answer the question. We are facing a unique problem involving disabled people who will not receive pensions

or medical treatment because, in Canada, there is no law requiring corporations to fund these programs. And given that Nortel accounted for one third of the transactions on the Toronto Stock Exchange, it was not a small corporation.

And as for the issue of leaving private businesses to their own devices, I would like to point out that your government invested \$9 billion to save a private American company. At this point, I do not believe that we have lessons to learn from you about whether government money can be invested to save jobs. We supported that measure. But do not turn around later and tell us that you are at arm's length from the company.

When will the government introduce a bill to ensure that no employee in Canada experiences such difficulties and that Canada will join the OECD countries that currently provide better protection for their employees?

[English]

Senator LeBreton: The honourable senator completely overlooked the very large responsibility that the provinces have with regard to pensions.

On the question of disabilities, the government has done a number of things to help people who suffer from disabilities. For instance, in March, Canada ratified the UN Convention on the Rights of Persons with Disabilities. We created the Registered Disability Savings Plan in September and over 35,000 Canadians have these plans. Last year's budget provided \$75 million for housing for people with disabilities. Our Working Income Tax Benefit provides an extra supplement for persons with disabilities. We have labour market agreements with persons with disabilities to help them prepare for or return to work. We have also increased the number of eligible medical expenses from a tax point of view for people with disabilities. The government has already taken some significant steps to improve the lives of the disabled.

I know that we are dealing here specifically with a group of people who were, unfortunately, employed by Nortel, but the government has programs to assist the disabled. As I have mentioned many times, in our Speech from the Throne we committed to looking at ways to better assist workers with companies that go bankrupt. There is nothing more I can add at this point.

Hon. Sharon Carstairs: Honourable senators, I know that the honourable senator has received numerous emails, as have I.

I hope the leader can help me, because I would like to respond to the particular individual who writes:

• (1520)

Dear senators:

Nortel disabled employees like me never had a vote on the settlement and there was no evidence supplied that there was majority support from disabled employees, who were not, in any case, in a position to give informed consent without fear of Nortel cutting off their essential medical benefits within weeks of the first settlement, and hours of the revised settlement. I did not agree to the settlement as Minister Clement —

— and this honourable minister has said —

— implies when he says the lawyers for the parties agreed.

The Nortel disabled employees never voted for on court representative. Nortel disabled employees were not democratically involved in the process to select the court appointed lawyers. . . .

What do I respond to this individual?

Senator LeBreton: Honourable senators, I have received the same emails. The fact is we can only deal with what we know. There are many people now who say they did not agree with the settlement. However, the fact is people representing these individuals went to court and agreed with the settlement. That is a question that that individual will have to direct to the people who were representing them directly in the court proceedings.

I do not know what else we can say to these people. When people go to court, like all of us if we are part of a court action, they have people representing them and there is a court settlement. When, after the fact, they say, "Well, I did not agree with it," I do not know what Senator Carstairs, I or anyone could possibly say that would be of help to that individual. I do not know what anyone in the government or any individual senator could say to a person who has been part of a legal court action. It is one of those situations. We are now getting those emails. Nortel and their employees were part of a court action. The court decided and now, after the fact, the senator is asking us to do something that is not legally possible.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed response to an oral question raised by Senator Callbeck on November 4, 2010, concerning Indian Affairs and Northern Development, Canadian Polar Commission.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

CANADIAN POLAR COMMISSION

(Response to question raised by Hon. Catherine S. Callbeck on November 4, 2010)

The appointment of the Board of Directors to the Canadian Polar Commission on November 3, 2010, signals the Government's recognition of the importance of the Commission and its role in advancing the Northern Strategy. The Chairperson, Bernard Funston, the Vice-Chairperson, Nellie Cournoyea, and the eight new members bring tremendous diversity of experience and expertise to the Commission's Board of Directors.

The Government has enlarged the Board of Directors from the previous seven to ten members. The larger Board provides for both Northern and Southern perspectives on

polar research and knowledge (including traditional knowledge) while balancing across Aboriginal, academic, not-for-profit, and business sectors.

During the time that the Commission operated without a Board, it focused on fulfilling the ongoing responsibilities outlined in its mandate and completing the work dictated by the previous Board. It is the Government's expectation that the new Board of Directors will chart a course for the Commission that builds on past successes, strengthens the Commission's connections to Northerners, and increases its relevance to all Canadians at this time of great interest and importance for the Canadian Arctic.

ANSWER TO ORDER PAPER QUESTION TABLED

NATIONAL REVENUE—FOUR HUNDREDTH ANNIVERSARY OF THE FOUNDING OF CUPIDS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 34 on the Order Paper—by Senator Downe.

[English]

ORDERS OF THE DAY

THE SENATE

NOTICE OF MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON

Leave having been given to revert to Notices of Motion:

Hon. Consiglio Di Nino: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS— AMENDMENTS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-215, An Act to amend the Criminal Code (suicide bombings), and acquainting the Senate that they had passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. *Page 1, clause 1:* Replace line 7 in the French version with the following:

“(1.2) Il est entendu que l'attentat suicide à la bombe”

2. *Page 1, title:* Replace the long title in the French version with the following:

“Loi modifiant le Code criminel (attentats suicides à la bombe)”

(On motion of Senator Frum, message placed on Orders of the Day for consideration at the next sitting of the Senate.)

CANADA CONSUMER PRODUCT SAFETY BILL

THIRD READING—DEBATE ADJOURNED

Hon. Yonah Martin moved third reading of Bill C-36, An Act respecting the safety of consumer products.

She said: Honourable senators, I am pleased to rise in support of Bill C-36, the proposed Canada consumer product safety act. This is an important piece of health and safety legislation that is long overdue.

Honourable senators, this is not the first time we have studied and debated this bill in the chamber. We have heard from many stakeholders, both in committee and through email. We have spent a fair amount of time studying this legislation between this iteration, Bill C-36, and its previous incarnation, the former Bill C-6.

When we last studied this bill, we looked at the scope of inspectors' powers and the concern that there were insufficient constraints on what inspectors might be authorized to do. At committee, the Minister of Health and Health Canada officials spoke to us about how they carefully considered the suggestions made and subsequently made a series of amendments to address these concerns.

Bill C-36 was changed so that the minister, not an inspector, is now authorized to order product recalls and the taking of other corrective measures. This makes the minister expressly accountable for such actions.

Bill C-36 was also amended to add a specific time frame for a review officer to complete a review of orders for recall and other corrective measures.

Bill C-36 now defines “storing” to clarify that consumer products stored by an individual for their personal use are excluded from the act.

The provision regarding an inspector's ability to enter onto or cross over private property during an inspection has also been modified.

Bill C-36 was also amended to clarify that the act does not affect the provisions of the Privacy Act.

The provisions for laying foundational regulations before both houses of Parliament were updated.

Clause 60 was amended to address concerns about the role of the minister in reviewing notices of violation.

Finally, the amendment of clause 60 necessitated a technical amendment in the French version of subclause 56(1) to maintain consistency in the language used.

Honourable senators, I believe the changes we have seen between Bill C-6 and Bill C-36 acknowledge the hard work and efforts of the members of this chamber.

In that vein, I would like to take a moment to thank the critic of this bill, Senator Day, and all the members of the Standing Senate Committee on Social Affairs, Science and Technology for their thoughtful study of this bill.

• (1530)

Honourable senators, you may recall that Bill C-36 evolved from the government's Food and Consumer Safety Action Plan, which was announced by the Prime Minister in December 2007.

The intent of this action plan was to modernize and strengthen Canada's safety system for food, consumer and health products. The action plan implemented a three-pronged approach emphasizing active prevention, targeted oversight and rapid response. This means that we can avoid many problems before they occur. It means that the government can keep a closer watch on products that pose a higher risk to the health and safety of Canadians, and it means that we can take action more quickly and effectively to address problems when they do occur.

The proposed Canada consumer product safety act reflects this three-pronged approach to improve Canada's product safety system. The influx of new products from around the world has been without precedent, and this influx has proven that our consumer protection legislation, while effective in the past, needed to be updated to keep pace with today's new marketplace.

In the past, when unsafe consumer products were found in the marketplace, the government had to negotiate with industry to have them voluntarily recalled. With Bill C-36, the government will continue to work in partnership with industry. However, when voluntary measures are not successful, Bill C-36 will give the government the power to order a mandatory recall.

Bill C-36 also introduces a general prohibition against the manufacture, importation, advertisement and sale of consumer products that pose an unreasonable danger to human health or safety. This prohibition, combined with increased fines of up to \$5 million for non-compliance in certain circumstances, or more where non-compliance is done knowingly or recklessly, will be an effective prevention tool.

Bill C-36 also requires industry to report, on a mandatory basis, serious health and safety incidents with their consumer products. It also gives the minister the authority to request that industry provide test results in order to verify compliance with the act. These provisions will allow a focus on products that pose higher risks and which thereby demand greater attention.

Finally, Bill C-36 will strengthen the government's ability to respond rapidly when required. In keeping with measures used by our international partners, Bill C-36 includes new authorities to permit the government to take action when product safety

concerns are identified. New requirements for industry to retain documents on their products will facilitate tracing one step up and one step down in the supply chain.

Bill C-36 will also enable the government to take action to address an unsafe consumer product if a business fails to comply with a recall or other corrective measure. Non-compliance could result in monetary penalty or criminal charges.

Honourable senators, these are the main elements of Bill C-36. The improvements it offers means that Canadians will be better protected and the protection provided will be more in keeping with legislative improvements already implemented in other countries.

Bill C-36 will bring about the change we need to modernize and strengthen our safety system and better protect Canadians. This is why I am confident that all honourable senators will appreciate the benefits of the proposed legislation and will support its passage.

Hon. Jane Cordy: Will the honourable senator take a question?

The Hon. the Speaker *pro tempore*: Honourable Senator Martin, will you take a question?

Senator Martin: Yes.

Senator Cordy: Honourable senators, I agree with Senator Martin that the Standing Senate Committee on Social Affairs, Science and Technology, both the current committee and the committee that dealt with Bill C-6 have done a tremendous amount of work in trying to make this bill a better bill. Of course, honourable senators, we all want all Canadians to feel sure that the products they buy are safe.

A number of the amendments brought forward last year by Liberal senators are now part of the new Bill C-36. A number of Liberal amendments are part of the bill despite the fact that some senators on the other side said that it would gut the bill. I am glad to see that the minister had second thoughts about the amendments and that she actually implemented, not all but some of them into Bill C-36.

My question concerns a question that I asked during committee hearings, for which I was not able to get an answer. It concerns clause 14(1)(d)(i). Does the honourable senator have the bill in front of her?

Senator Martin: I do.

Senator Cordy: For those senators who do not have the bill in front of them, clause 14 is entitled, Duties in the Event of an Incident, and sets out who can initiate an incident. Clause 14(1)(d)(i) reads:

(d) a recall or measure that is initiated for human health or safety reasons by

(i) a foreign entity,

We had four panels of witnesses, and I asked the only non-government panel to define a "foreign entity," what a foreign entity is. Perhaps the honourable senator could clarify that phrase because it makes me a bit nervous.

Senator Martin: I thank the honourable senator for that question. Yes, I do recall the senator asking that question.

With regard to the amendments that were made to strengthen Bill C-36, I acknowledge the good work of our critic, the senators in the committee and, of course, the minister. I want to credit the minister with openness and careful consideration, in that what she adopted and included in strengthening the bill did not dilute and weaken the intent. That was something I was able to confirm with her. We had a good conversation about that as well last week on her way to Vancouver.

With regard to "foreign entity," I wonder if, for instance, other jurisdictions have counterparts to Health Canada and there are commissions or regulatory bodies that may work in partnership with Canada, such as the U.S. Consumer Product Safety Commission. We have a global market and the products on the shelves in stores come from various jurisdictions, whether it is the EU, the United States or other places. These counterparts, regulatory bodies and organizations work with Health Canada to ensure the safety of products coming into Canada.

Senator Cordy: I have no problem with federal governments. The honourable senator mentioned the U.S. Consumer Product Safety Commission; I have no problem with that. She also mentioned federal regulatory bodies. It is great that they talk to the Canadian government and can say, "Red-flag this; be aware of this." My concern is that it seems to be pretty open. Definitions are actually given in the bill for many of these terms that are used, but there is no definition of "foreign entity." The concern that was raised by the people who appeared before the committee was whether this means private business. Does this mean that a company in China, for example, for whatever reason could initiate a recall of a product that is made in Canada?

Senator Martin: I can say in response, honourable senators, that Health Canada officials, on a daily basis, are working closely with all stakeholders as well as their counterparts in jurisdictions where Canadian products are exported and products are imported.

In terms of the process that is followed, as honourable senators know, there is great scrutiny at all levels. We heard from many different consumer organizations and organizations that represent Canadian families, businesses and stakeholders who all say that they have seen Health Canada working clearly and transparently over the course of many years of developing this bill to strengthen our system, and that there has been consultation. The processes are outlined and much of the information is available on websites for the public. In terms of the regulatory process, policy and guidance, these steps will be taken carefully. We will be able to ask these questions along the way.

• (1540)

Senator Cordy: I want the question to be answered before we have a vote on the bill. I have no problem with Health Canada, as I said earlier, working with government agencies in other countries. That is positive action.

The honourable senator talked about consultation. I have received thousands of emails asking that Mr. Shawn Buckley appear before the Senate committee. However, when I brought that motion forward at committee, it was voted down unanimously by the Conservative members of the committee. To say that there was consultation is an exaggeration.

My question is not related to other government organizations, with which I have do not have a problem. The difficulty I have was expressed at the committee: The recall can be initiated by a foreign entity.

The honourable senator has not given me a good definition of “foreign entity.” When I asked her specifically if a foreign entity includes private businesses in another country, the honourable senator did not address that question in her answer. Perhaps she can tell the house whether a private business in another country is considered a foreign entity under the bill.

Senator Martin: A “foreign entity” is one that is not in Canada, which will include governments and regulatory counterparts.

This bill governs what happens in Canada when there is a recall. Any information is shared only with persons or governments that carry out functions related to the protection of human health, safety or the environment in relation to these consumer products.

Senator Cordy: My question is: Does it include private companies?

Senator Martin: I do not know about private companies. That is something I cannot answer at this time. In terms of the process and the act that is governed in Canada, it includes the regulatory counterparts and government departments in other jurisdictions.

Hon. George Baker: Honourable senators, I have one observation. Perhaps the honourable senator wishes to comment if she has any knowledge of it, or any other senator with knowledge of it may wish to comment.

First, I congratulate the senator for her excellent work on government bills since she has come to this place. Let us hope that it continues, although at times I imagine it is difficult to justify proposed legislation that some of us feel is not suitable.

His Honour will know what I am about to mention. I have not examined this bill since the amendments were made. I thought that all the concerns on this side of the house had been addressed in the amendments. However, I asked for a copy of the bill only now. I notice that under the bill, search warrants of homes can be issued only by a justice of the peace. That strikes me as being a bit strange. Section 2 of the Criminal Code defines a “justice” as being either a justice of the peace or a provincial court judge. There is a separate distinction for a judge of a superior court. This bill specifically says, at clause 22(2) in respect of a search warrant for a dwelling house:

A justice of the peace may, on *ex parte* application . . .

Ex parte means a private application. *Inter parte* means that lawyers from each side are represented in the discussion.

The unusual part is that a justice of the peace may issue a warrant authorizing the search of a dwelling house. I do not know whether that point has come up, but I know of only one other piece of federal legislation — the Fisheries Act — in which it says that a justice or a justice of the peace may issue a warrant for entry to a dwelling house for the purpose of investigation.

Closer examination of clause 22 shows that the reason for entry is in search of something defined under the previous clause as being evidence of, or documents relating to evidence of. It says “reasonable grounds to believe,” which is in conformity. Inspectors would have to believe and not only suspect if they plan to enter a dwelling house. I notice that wording was changed, which is good.

However, the search warrant is in the hands of the justice of the peace. I realize that the Fisheries Act also has that wording in respect of investigating someone’s home. However, it is of concern to me that to enter someone’s home, inspectors do not require the normal constraints on the search warrant of going before a judge and having the police seek the warrant.

Senator Martin: Thank you, Senator Baker, for the question. When a dwelling house is also a place of business, it would be clearly established. In today’s globalized marketplace, many businesses are in homes or dwelling houses. When such is the case, and it is established and known, an inspector may enter as the inspector would enter a business in a mall or other location.

The inspection of a person’s home where a business is being conducted is regulated under the bill. The inspector performs the inspection in the same way the inspector performs an inspection in another business location. To level the playing field because there are businesses in dwelling houses and in traditional business locations, the inspector, at times, will need to enter and inspect.

In the case where there is not consent to enter the dwelling house, an inspector will require a warrant, which will be issued by an officer of the court or a justice of the peace. As the honourable senator noted, the Fisheries Act contains similar provisions, which can be found in other modern health, safety and environmental statutes.

In this modern age, many businesses are located in homes. Where a business is located in a home, it is important that inspectors have access to check for compliance and noncompliance, as they have in other business locations.

Senator Baker: I appreciate the answer; and that is correct. Although it does not say it here, clause 22(1) states:

If the place mentioned in subsection 21(1) is a dwelling house, an inspector may not enter it without the consent of the occupant except under the authority of a warrant issued under subsection (2).

It then says that a justice of the peace may issue a warrant.

• (1550)

The reason I brought this up is because in other statutes, such as the Income Tax Act, if someone has a business that is in their dwelling house, then one can get a warrant. However, the Income Tax Act states in section 222 that the warrant can only be issued by a judge. That is the concern that I have.

As the honourable senator pointed out, it is already in the Fisheries Act and she is absolutely correct. However, I think its proliferation into other legislation is to be frowned upon.

The Hon. the Speaker *pro tempore*: Further debate?

Hon. Joseph A. Day: Honourable senators, I have a question for the honourable senator as well, if she would accept it.

Senator Martin: Yes.

Senator Day: I was intrigued by her comment that the minister acknowledged that the amendments that were adopted from the earlier iteration of this particular bill were adopted because she was convinced that they did not dilute the intent of the bill. Some of those amendments were passed by this chamber, but the majority of them were rejected by this chamber about a year ago. The minister then had until June and came forward with another bill, which is this particular Bill C-36, and which has adopted some of those amendments.

Obviously, during that six-month period, the minister had an opportunity to look at those amendments and determine that they were not, in fact, diluting the bill but were, as we had said, improving the bill. Am I correct in that regard?

Senator Martin: Yes, honourable senators. I wanted to commend Senator Day and others in that some of the proposed amendments that the minister did consider were where we achieved more clarity or ensured that the French and the English were exact. So, for those kinds of amendments, and to remove certain language to ensure that there was that real strengthening and clarity achieved, I thank the honourable senator.

Senator Day: Thank you very much. I appreciate that comment.

In view of the fact that we presented several amendments last week and they were voted down, but that the minister has not yet had the six months to consider those amendments, if we delay passage of this bill for six months, I was wondering if perhaps the minister would have an opportunity to see that these particular amendments are appropriate.

Some Hon. Senators: Hear, hear.

Some Hon. Senators: Oh, oh.

Senator Martin: Judging from the response, I am sure that the honourable senator also agrees on the importance and urgency of this bill, the fact that it has been several years in the making, that the stakeholders are waiting, and that all honourable senators have already given their support in principle.

Senator Day: The difficulty with the response that I heard from the other side is that they are the same people who the last time voted against the amendments which the minister later saw the wisdom of accepting.

(On motion of Senator Day, debate adjourned.)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Admiral James A. Winnefeld, Jr., Commander of the North American Aerospace Defense Command and United States Northern Command, who is accompanied by His Excellency, the distinguished Ambassador of the United States of America, David Jacobson.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—ELEVENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED—
MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Duffy for the adoption of the eleventh report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-10, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, with an amendment), presented in the Senate on November 4, 2010;

And on the motion in amendment of the Honourable Senator Watt, seconded by the Honourable Senator Merchant, that the Eleventh Report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted but that it be amended:

(a) in the opening paragraph, by replacing “following amendment” with “following amendments”; and

(b) by adding amendment N° 2 as follows:

“2. Page 6, clause 6: Add after line 14 the following:

“(6) A court sentencing an aboriginal person who is convicted of an offence under this Part is not required to impose the minimum punishment for the offence if the court is satisfied that

(a) the minimum punishment would be unduly harsh, having regard to the circumstances of the aboriginal offender; and

(b) another sanction that is reasonable in the circumstances is available.

(7) If, under subsection (6), the court decides not to impose a minimum punishment, it shall give reasons for that decision.” ”.

Hon. John D. Wallace: Honourable senators, I would like to respond today to the comments and the amendment that was proposed by Senator Watt to the eleventh report of the Standing Senate Committee on Legal and Constitutional Affairs that relates to Bill S-10. Before doing that, I believe it might be helpful to honourable senators if I briefly summarize Bill S-10 and its key elements and objectives.

First, Bill S-10 has been brought forward because there is, to varying degrees throughout the country, a serious drug problem that involves trafficking, production, importation and exportation of drugs. The involvement of organized crime in illicit drug offences is well recognized by all of us. These drug offences involve violence and weapons. They disrupt neighbourhoods and have created serious problems throughout our country.

The focus of Bill S-10 — and I want to be clear about this — is serious drug offences. It focuses is on the trafficking of illicit drugs, the production of illicit drugs, the importation of illicit drugs and their exportation. It does not cover and relate to all drug offences.

For example, although I hesitate to call it “simple” possession as there is nothing simple about it, it does not relate to possession offences. It is those four key serious offences that are targeted by the bill.

Bill S-10 is not an isolated piece of legislation. It is part of a comprehensive approach to addressing the illicit drug problem in the country. It arose, along with the work that supported it, as a result of discussions and urging from the provinces and various departments of the federal government — Health, Justice, Public Safety. When I say it is “comprehensive,” it is also part of the National Anti-Drug Strategy, of which Bill S-10 is one key element.

The National Anti-Drug Strategy has three particular action plans that deal with prevention, enforcement and treatment of drug-related issues. Those plans would be hollow if they were not supported financially by the government and, indeed, they are.

At present, there is a total of \$232 million that is provided for this National Anti-Drug Strategy. If Bill S-10 is passed into law, there would be a further \$68 million, making a total of \$300 million available to support the National Anti-Drug Strategy.

Honourable senators are aware that a significant element of Bill S-10 is the mandatory minimum sentences which would apply to certain serious drug offences that form part of this bill.

There has been a lot of discussion around mandatory minimum sentences not only in the context of this bill but others that have been before us recently. I remind honourable senators that mandatory minimum sentencing is not a new concept. It has

existed in this country since 1976. There are approximately 44 offences in the Criminal Code that prescribe mandatory minimum sentences. Of those 44, 10 arose from 2006 to date.

• (1600)

Honourable senators, the mandatory minimum sentences only apply to and are targeted at certain serious drug offences; for example, the trafficking of illicit drugs and the importation, exportation and production for the purpose of trafficking.

There is also relief — and encouragement, I would say — provided in Bill S-10 for offenders who fall under the dictates of this bill. If they submit to drug court, or provincial or territorial drug treatment programs, then they are exempt or do not have to comply with the mandatory minimum sentencing. It is an encouragement for them to rehabilitate and not necessarily remain incarcerated for the period of the mandatory sentence.

There is another important thing to point out, and it has come up a number of times when we talked about mandatory minimum sentencing. Mandatory minimum sentencing is entirely consistent with the principles and objectives of sentencing set out in the Criminal Code.

I refer you to section 718 of the code, which provides that the fundamental purpose of sentencing is to create:

“... respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives: —”

When I refer to these objectives, I want honourable senators to think of them in the context of mandatory minimum sentencing.

(a) to denounce unlawful conduct;

Clearly mandatory minimum sentencing does that. It says clearly that these drug offences involve behaviour that is not to be accepted in our society. It is a clear denunciation. To continue:

(b) to deter the offender and other persons from committing offences;

(c) to separate offenders from society, where necessary;

That objective is important to protect our neighbourhoods and, if necessary, to take those offenders off the streets. It also interrupts the organized crime activities that we may find associated with the offences, and serves to assist in rehabilitating offenders. As I pointed out, there is the provision in Bill S-10 that enables those charged and convicted to receive drug treatment rehabilitation services and not be subject to the mandatory minimum sentencing.

I refer honourable senators to Senator Watt’s proposed amendment, presented on November 17. Briefly, I understand the thrust of the amendment to be that it will enable the court, in cases only of Aboriginal persons, to not impose the mandatory minimum punishment in certain circumstances. Once again, it will apply to Aboriginal persons.

In Senator Watt's November 17 statement to this chamber, he suggested that the bill ignores a vital tradition established in the Criminal Code known as the Gladue principle, which comes from the Supreme Court of Canada decision by the same name. It makes reference to paragraph 718.2(e) of the Criminal Code. Senator Watt has also concluded effectively that the bill will be contrary to the sentencing principles set out in section 718.2(e) of the code.

Honourable senators, I respectfully disagree with both of Senator Watt's conclusions.

Section 718.2(e) of the Criminal Code says that courts will take into account the following principles in sentencing: They will look to "all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders."

That principle applies to all offenders, not simply Aboriginal offenders. That said, however, Aboriginal offenders and the unique circumstances they sometimes find themselves in are flagged.

Senator Watt, in his November 17 statement, said that section 718.2(e) does not give preferential treatment to Aboriginal offenders. I completely agree with him. It applies to all offenders. However, the amendment proposed by Senator Watt will grant an exemption from mandatory minimum sentencing potentially only to Aboriginal persons.

It is clear from the Supreme Court of Canada decision in *Gladue* that Aboriginal persons include those on- and off-reserve and those who live in large cities and rural areas. While I realize Senator Watt is thinking of the North, his amendment will apply to all Aboriginal persons. It will not be limited only to those in the North.

Once again, it is important to keep in mind that Bill S-10 applies only to serious drug offences. The four offences are trafficking, production, importation and exportation, when the aggravating factors are present. It does not apply in all cases; the aggravating factors must be present. Those factors include violence, the involvement of criminal organizations, the use of weapons or when youth are involved in the drug crime.

With Bill S-10 focusing on serious drug offences, I thought it would be helpful to consider some of the statements that appear in the leading case, the Supreme Court of Canada *Gladue* case. At page 45 of that decision, the court said:

In some circumstances the length of the sentence of an aboriginal offender may be less and in others the same as that of any other offender. Generally, the more violent and serious the offence the more likely it is as a practical reality that the terms of imprisonment for aboriginals and non-aboriginals will be close to each other or the same, even taking into account their different concepts of sentencing.

Again, there is that emphasis on the seriousness of the offence. I then draw honourable senators back to my previous comments about Bill S-10.

At page 54 of *Gladue*, the court said:

Section 718.2(e) is not to be taken as a means of automatically reducing the prison sentence of aboriginal offenders; . . .

Again, at page 45:

. . . we do not mean to suggest that, as a general practice, aboriginal offenders must always be sentenced in a manner which gives greatest weight to the principles of restorative justice, and less weight to goals such as deterrence, denunciation, and separation. It is unreasonable to assume that aboriginal peoples themselves do not believe in the importance of these latter goals, and even if they do not, that such goals must not predominate in appropriate cases. Clearly there are some serious offences and some offenders for which and for whom separation, denunciation, and deterrence are fundamentally relevant.

Statements have been made that Bill S-10 will remove judicial discretion as it relates to Aboriginal offenders. I disagree. It will limit judicial discretion somewhat, as it would the judicial discretion that exists with all offenders. However, the judges will have complete discretion between the limits of the minimums and maximums provided for in the code and judges can use that discretion in the case of Aboriginal offenders.

• (1610)

With respect to this issue of judicial discretion, I will remind honourable senators of the exemption that is available to be granted for those offenders, Aboriginal or otherwise, who submit to rehabilitation through drug courts or territorial-provincial drug treatment programs.

Senator Watt, for whom I have great respect, speaks forcefully and well. I understand where his heart is in this issue, and I would say that all our hearts desire to provide for all Canadians, including our Aboriginal brothers and sisters. However, I have heard it said that since drug courts do not exist in the North, somehow that should provide an exemption from the provisions of mandatory minimum sentencing. I point out to honourable senators that drug courts do not exist, for example, in the Atlantic provinces or Quebec.

The Hon. the Speaker pro tempore: I am sorry to interrupt, but I must advise that the honourable senator's time has expired. Is the honourable senator asking the chamber for more time?

Senator Wallace: Yes, if I could.

The Hon. the Speaker pro tempore: Five more minutes.

Senator Wallace: Thank you. The fact is that drug treatment courts are not present in the Atlantic provinces or Quebec, but there are certainly provincial treatment facilities that are available so the relief that can be granted to offenders in those provinces can be obtained through provincial and territorial treatment facilities, as it could be with Aboriginal offenders.

There are a number of drug treatment programs available for Aboriginal offenders. I will obviously not have time to go through all of them. There is the National Native Alcohol and Drug

Abuse Program. There is also the Aboriginal Justice Strategy, which provided an additional \$40 million for that purpose and which will increase funding to \$85 million by 2012. That will affect some 400 Aboriginal communities.

In conclusion, honourable senators, there is no question and we would all acknowledge that the special needs of our Aboriginal communities must be recognized, and I would say to you that they have been recognized and will continue to be recognized by this government. Again, under the National Anti-Drug Strategy, increased funding will be provided to Aboriginal communities for treatment.

Judicial discretion will exist between the minimum and maximum levels within the code. In addition, section 718.2(e) of the Criminal Code, which I mentioned earlier, will continue to be there to flag and remind us of the significance and unique circumstances of Aboriginal offenders. They will not be forgotten and cannot be forgotten because of what exists in the law today.

As I pointed out earlier, there is the ability to avoid mandatory minimum sentencing by Aboriginal offenders and by all other offenders if they submit to drug treatment and rehabilitation.

Honourable senators, with the greatest of respect to my colleague Senator Watt, I disagree with his proposed amendment, and I would encourage each of you to support Bill S-10 in its unamended form.

The Hon. the Speaker pro tempore: Further debate? Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Watt, seconded by the Honourable Senator Merchant, that the eleventh report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted but that it be amended (a) in the opening paragraph by replacing — shall I dispense?

Some Hon. Senators: Dispense.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those in favour of the motion in amendment will please signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed to the motion in amendment will please signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Do the whips have advice as to the time? Have the whips made a decision?

Hon. Jim Munson: Thirty minutes? An hour? He wants an hour so I will take an hour.

The Hon. the Speaker pro tempore: It is now 15 minutes after four. The bells will ring for one hour and the vote will take place in one hour's time.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

• (1710)

Motion negated on the following division:

YEAS THE HONOURABLE SENATORS

Baker	Joyal
Callbeck	Lovelace Nicholas
Campbell	Mahovlich
Carstairs	Massicotte
Chaput	McCoy
Cordy	Mercer
Cowan	Moore
Dawson	Munson
Day	Pépin
Downe	Peterson
Eggleton	Poulin
Fox	Poy
Fraser	Ringuette
Furey	Robichaud
Harb	Smith
Hervieux-Payette	Tardif
Hubley	Watt—35
Jaffer	

NAYS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	MacDonald
Ataullahjan	Manning
Boisvenu	Marshall
Braley	Martin
Brazeau	Meighen
Brown	Mockler
Carignan	Nancy Ruth
Champagne	Neufeld
Cochrane	Ogilvie
Comeau	Oliver
Demers	Patterson
Di Nino	Poirier
Dickson	Raine
Duffy	Rivard
Eaton	Runciman
Fortin-Duplessis	Segal

Frum
Greene
Housakos
Johnson
Kinsella
Kochhar

Seidman
Stewart Olsen
Stratton
Tkachuk
Wallace—45

ABSTENTIONS THE HONOURABLE SENATORS

Nil

• (1720)

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Wallace, seconded by the Honourable Senator Duffy, that this report be adopted now. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

The Hon. the Speaker: Carried, on division. When shall this bill, as amended, be read the third time?

Senator Wallace: At this time.

Some Hon. Senators: No.

The Hon. the Speaker: I do not hear leave being granted to read it at this time.

Senator Wallace: At the next sitting.

The Hon. the Speaker: It is moved by the Honourable Senator Wallace, seconded by the Honourable Senator Mockler, that this item be placed on the Orders of the Day for third reading at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Wallace, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tardif, for the second reading of Bill S-204, An Act to amend the Criminal Code (protection of children).

Hon. Sharon Carstairs: Honourable senators, let me begin by acknowledging the words of my fellow Manitoban. It was good to hear him in debate, although there were few things in his speech with which I was in agreement.

In response to his brother's surprise that we were wasting taxpayers' dollars on this bill, let me state unequivocally that I consider the protection of our children — the future of this country — to be of the highest priority.

The appearance of section 43 in the Criminal Code is in itself a strange use of the Criminal Code. The purpose of the Criminal Code is to inform citizens of behaviour that is unacceptable in a free and democratic society. The Criminal Code is almost entirely prohibitive. It states that we shall not murder, steal, or assault, physically or sexually, our fellow citizens. The Criminal Code, for the most part, prohibits actions. However, in the middle of this code that prohibits actions we have a section that permits an action. It permits a schoolteacher, parent or person standing in the place of a parent to use force in the correction of a child.

I was interested in Senator Plett's response to Senator Hervieux-Payette's question about a neighbour using force on his child. Senator Plett clearly disapproved of such an action, and I agree, but when we allow a child to play at a neighbour's home or in a neighbour's yard, we are giving that neighbour permission to stand in the place of a parent. We are, therefore, protecting that neighbour if he or she should use force against our child. The neighbour could use the defence of section 43.

Senator Plett clearly takes offence at the state crossing, in his view, a line where government rather than the parent determines how to raise a child, but we cross this line often for the protection of children. Earlier this afternoon in this house, we debated Bill C-36, which seeks to impose rules that will govern the things our children might eat or toys that will be in their possession. Only last week, the government imposed by regulation stronger requirements for baby cribs. The purpose of these bills is to enhance the safety of our children, and I suggest enhancing the safety of our children is exactly what Bill S-204 will do.

Section 43 in its original state also gave us to right to use corporal punishment on midshipmen and the mentally defective, as defined by the bill. Those parts of the section have been repealed. Why — because it became repugnant for us to allow the use of force on midshipmen and the mentally defective. Earlier common law provisions made it possible for men to use corporal punishment against their wives. This use, too, has been prohibited. Why then do we still believe it is permissible to hurt our children?

I enjoyed Senator Plett's personal stories, although I suspect that my interpretation of these stories will differ from those of my Manitoba colleague.

I was interested that his second son is not an advocate of corporal punishment. This is the son whose story he told where clearly, spanking did not work. However, Senator Plett should be congratulated for recognizing this failure. After the second spanking failed to work, Senator Plett chose an alternative strategy. Tragically, many parents do not have Senator Plett's perception.

All too often, what is called a spanking does not work, and it escalates and becomes serious abuse.

There is a court case at this very moment in Toronto where a mother is charged with child abuse. It started as a simple spanking. When the simple spanking did not work, it escalated to a severe beating. Honourable senators, all too often this escalation is the pattern of abuse. It starts with what appears to some to be reasonable punishment and ends in abuse. Not all parents have the control clearly exercised by Senator Plett.

I was particularly struck by the letter from his granddaughter, who wrote:

Spanking is also a quick way of dealing with a problem and the kid can forget about it and go back and play.

This is clearly a well-behaved child and one who is also bright. She understands cause and effect. However, surely discipline is not supposed to be transitory. I am sure my younger daughter would have far preferred that I give her a spanking rather than denying her access to her horse, which was stabled 35 minutes from our home and required her father, her mother or both of us to take her. When she was denied access to her favourite activity — an activity I might say that at the age of 38 she still engages in five times a week — she understood that the consequences of her behaviour were not short term or transitory.

However, I take great offence at the material presented with respect to Sweden, which is wrong and, unfortunately, the work of a largely discredited and biased researcher. The Swedish story is a success story, and the proof of this success has been that so many other countries — 14 to date — have adopted its policies to similar success.

First, the law in Sweden did not change in 1979. That change was largely symbolic. It was the change in 1957, which made corporal punishment an assault in Swedish law, that resulted in an attitudinal change in Sweden against corporal punishment now reflected in an over 93-per-cent rate of acceptance by the Swedish people.

• (1730)

The normal Swedish parent, according to Staffan Janson, a professor and pediatrician who has been in charge of the national Swedish studies in child abuse, said in a letter to me:

Today's parents actually think it is disgusting to beat children.

Second, law reform in Sweden has not resulted in a greater willingness of child welfare authorities to remove children from their homes. To the contrary, few children are removed. In 2004, for example, only 200 children were placed in immediate custody — a very small number.

Third, the people of Sweden have a much greater public awareness of violence against children; and yes, the reporting rate has increased simply because Swedes will not tolerate such actions.

Fourth, studies have shown that Swedes are neither afraid of their children nor unwilling to discipline them. They are simply unwilling to hit them. The aim of law reform in Sweden has been to protect children not to punish parents. Perhaps the most positive impact has been on the health of Swedish children and their well-being. Sweden has seen a decrease in the number of children turning to drugs and an increase in the number who have turned away from violence. I encourage senators to read the studies by Dr. Joan Durrant, University of Manitoba, 1999; Dr. Ake Edfeldt, University of Stockholm, 2005; Dr. Goran Juntengren, Research Director, Primary Health Care, Southern Alvsborg County, Sweden; Mali Nilsson, Chair, International Save the Children Alliance Task Group on Corporal/Physical Punishment and Other Forms of Humiliating or Degrading Punishment; the work of Staffan Janson, Klackenborg-Larsson and Magnusson, 1998; Kai-D. Bussmann, Claudia Erthal, Andreas Schroth and many others whose work I would be pleased to share with honourable senators.

In the final analysis, colleagues, this is a simple concept. Do I, because I am physically bigger and stronger, have the right to use my brute strength against someone who is smaller and lighter just because I am that person's parent? I simply do not believe I do. Yes, I have the right to teach my child acceptable behaviour and I have the right to discipline when that behaviour is unacceptable. I have the right to use time outs and denial of privileges.

I want to close by thanking Senator Plett for the story he told about discussing his corporal punishment by his father at his father's dying bedside. His father told Senator Plett that his punishment did not hurt the father as much as it did the son. That, hopefully, has put that myth to bed.

Hitting hurts and it hurts even more when done by someone the child believes loves and cares for them. Children are deeply humiliated by such acts and, although, quick to forgive, they are not quick to forget and, all too often as studies show, it teaches them that hitting others is acceptable. I simply believe it is not.

Honourable senators, join me and 400 organizations in this country that support the repeal of section 43.

(On motion of Senator Comeau, debate adjourned.)

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, it is approaching six o'clock and I wish to indicate that the house will see the clock. Therefore, I seek the unanimous consent of honourable senators for committees to sit while the Senate is suspended until eight o'clock.

The Hon. the Speaker *pro tempore*: Is unanimous consent granted, honourable senators?

Hon. Senators: Agreed.

(Motion agreed to.)

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that a message has been received from the House of Commons returning Bill S-2, An Act to amend the Criminal Code and other acts, and acquainting the Senate that they have passed this bill without amendment.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Mahovlich, for the second reading of Bill S-220, An Act to amend the Official Languages Act (communications with and services to the public).

Hon. Marie-P. Poulin: Honourable senators, in rising to support Bill S-220, I do so in the knowledge that, in the last several decades, great strides have been made in advancing the concept of equality between Canada's two official languages.

Having been at times in the vanguard of French language rights, I am aware of the vast amount of work that is required in order to build a sound case to preserve and enhance the policies and regulations that reflect our bilingualism. In this regard, I would like to express my admiration and gratitude to the Senator Chaput for undertaking such a difficult and time-consuming task to bring before us the matter at hand — an updating of the Official Languages Act. She has done an outstanding job and deserves our appreciation.

Central to Bill S-220 is the concept of “equal quality” in the provision of language services to better reflect today's language duality and, just as importantly, to make the law consistent with judicial decisions. A review of case law over the past two decades shows that the purpose of recognizing language rights must be to enhance the vitality of official language minority communities, taking into account the specific situation of each community and the majority-minority dynamics in each province and territory.

In *Beaulac*, in 1999, the Supreme Court of Canada stated that language rights must be given a large and liberal interpretation to ensure the preservation and vitality of minority language communities. From this ruling a spectrum of new principles were postulated, which I will refer to later.

In *DesRochers v. Canada*, 2009, the Supreme Court of Canada ruled that all services of federal institutions must not only be offered in both official languages, but those services must be of equal quality.

Overall, Bill S-220 contains 10 clauses aimed at improving the quality of language services offered to official language minority communities and the health of bilingualism in those minority

communities. Many of the proposed changes are directed at Part IV of the Official Languages Act which deals with communication with and services to the public, and which has been particularly affected by court rulings and demographic change.

This is the first time since 1988 that a bill to amend this section has been introduced in Parliament. Accordingly — and in keeping with the legal interpretations of our language laws — the proposed changes to Part IV would take not only statistical analysis into account for determining the provision of minority language services but also qualitative criteria, that is, the characteristics of the minority communities themselves. Factors other than population numbers would be considered. These new criteria would include such matters as whether there is a local minority-language newspaper or school, or whether there is a post office.

As I have indicated, the law at present basically speaks of populations in broad terms, as measured by Statistics Canada. However, people who can communicate in the language of the minority population are left out of the equation.

• (1740)

An example of this would be a child who speaks one official language at home but attends a school that functions in the other official language. That educational aspect is omitted in the calculation of minority language numbers.

As well, there is evidence that some immigrant groups might be overlooked in tabulating language services demand.

The fact that the regulations do not recognize the institutional vitality of a community ignores the sociological nature of communities. In small communities the absence of those elements can make the difference between having minority-language service or not.

As an extra consideration, S-220 proposes that bilingual services would be offered in any areas where they are provided by the provinces and territories.

Furthermore, consultation would be required before any minority service is withdrawn.

In a historical context, this bill is an extension of bilingualism in this country.

The first Official Languages Act was enacted in 1969 as a result of recommendations from the Royal Commission on Bilingualism and Biculturalism. It gave equal status to English and French throughout the federal government system.

The 1982 Charter of Rights and Freedoms expanded the bilingual nature of services within the federal sphere and dealt with minority language education rights.

In 1988, the 1969 Act was scrapped and replaced by a new Official Languages Act that beefed up regulations and established the powers of the Commissioner of Official Languages, the

complaints process and the obligation on the Minister of Canadian Heritage and the President of the Treasury Board to be accountable to Parliament for responsibilities relating to official languages.

In the intervening years, various regulations have been introduced and clarifications issued, particularly regarding where Canadians can expect to be served in official languages. Let me share that list with you: the head or central offices of federal institutions; offices in the national capital region; offices of an institution required to report to Parliament, such as the Auditor General; offices where there is significant demand and take into account various formulas; offices justifying official language services, such as public health, safety and security; offices serving the travelling public; and third parties offering services to the public on behalf of federal institutions.

In summary, then, the Official Languages Act has made progress to reflect changes at the social, linguistic, demographic and judicial levels.

Earlier, I mentioned the 1999 *Beaulac* case in which the Supreme Court of Canada noted that factors other than numbers should be considered when determining the need for minority language services.

These factors include the language spoken not only at home, but at school, in the workplace and even on the street.

Honourable senators, the Official Languages Act of 1988 enabled the government to adopt regulations specifying how the Act was to be implemented. The only regulations adopted were in 1992, prompting the Commissioner of Official Languages to state in the COL's annual report of 2005-2006 that they belonged to a bygone era.

In fact, the commissioner went on to say that the strict application of numerical criteria gave rise to unfair, complex and unequal situations in the delivery of minority language services.

It is in the spirit of addressing those inconsistencies that Bill S-220 is brought before you.

Another item of note is that the bill introduces rights for the travelling publics and calls on every federal institution to ensure that language services to travellers are available, including third-party persons or organizations operating on behalf of federal institutions.

When examining the merits of the bill introduced by my colleague, Senator Maria Chaput, do not forget that you are being asked to support the natural evolution of one of our fundamental characteristics, bilingualism, by broadening and making mandatory the criteria currently used to determine the pertinence of providing services in both official languages while giving some latitude to the Governor in Council.

To prevent permanent imbalances from being created by the new law, the President of the Treasury Board, or another federal minister designated by the Governor in Council, will review the regulations every 10 years to verify whether or not they are effective.

[Senator Poulin]

Honourable senators, the amendments proposed by Bill S-220 would modernize the Official Languages Act, clarify the regulations and strengthen the concept of official bilingualism in federal jurisdictions especially since — let us not forget this important fact — 14,000 federal offices are subject to this law.

(On motion of Senator Comeau, debate adjourned.)

[English]

CANADA POST CORPORATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Peterson, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-219, An Act to amend the Canada Post Corporation Act (rural postal services and the Canada Post Ombudsman).

Hon. Consiglio Di Nino: Honourable senators, this is now the second time that I do this with some apologies to the proposer of the bill. I have not had the opportunity to complete the notes that I wanted to complete. Once again, I ask for your indulgence.

I would ask that we adjourn the debate on this motion for the reminder of my time.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Di Nino, debate adjourned.)

[Translation]

SUPREME COURT ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Rivest, for the second reading of Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, let me begin by saying that I do not doubt for a moment the good intentions of those who support this bill, who, I am quite convinced, are probably acting in good faith. Unfortunately, the best intentions in the world do not always translate into good decisions on public policy.

Bill C-232 proposes to impose, for the first time in Canadian history, individual bilingualism as a prerequisite for serving in a Canadian federal institution. That is very different from requiring federal institutions to provide the Canadian public with services

in both official languages, a requirement that stems from our constitutionally-entrenched language rights, from our federal legislation on official languages and from our linguistic policies.

• (1750)

I remind senators that this bilingualism scenario would not apply to just any institution; it would apply to the Supreme Court of Canada.

No Canadian has ever been refused the right to work in a federal institution, such as the army, the judiciary, the public service, the RCMP, Parliament, or any institution, because they were not bilingual. They have not been refused.

The Official Languages Act is clear on this subject. Section 2 states:

The purpose of this Act is to . . . ensure respect for English and French as the official languages of Canada and ensure equality of status and equal rights and privileges as to their use in all federal institutions. . .

But “equal rights and privileges” is not a synonym for bilingualism. Section 34, Part V, of the Official Languages Act states:

English and French are the languages of work in all federal institutions, and officers and employees of all federal institutions have the right to use either official language in accordance with this Part.

In Part VII, the Government of Canada commits to ensuring that:

. . . English-speaking Canadians and French-speaking Canadians . . . have equal opportunities to obtain employment and advancement in federal institutions . . .

Unfortunately, Bill C-232 rejects this duality. It rejects the concept of the official languages.

Now, the principle of Bill C-232. According to some of my colleagues, the bill requires Supreme Court judges to understand the “subtleties and nuances” of the laws they must interpret.

In reality, unlike applicants in other federal institutions, potential candidates for the Supreme Court would be required to be bilingual. Of course, wanting every judge in the country to be bilingual is difficult to criticize. Certainly, it would be wonderful if everyone in Canada were bilingual, but that is not the reality in our great nation, which has never required that its citizens be bilingual.

If legislators can argue that Supreme Court justices should be bilingual because they interpret legal principles that emanate from our laws, should they not also argue that those who impose the laws should also be able to perfectly understand the “subtleties and nuances” of the laws they are drafting, amending and voting on?

After all, every time they vote, unilingual legislators are voting on bills they are unable to read in both official languages and relying on professional interpreters to be able to follow the debate on the bills. The unilingual legislators who support this bill are denying others the right to serve their country, but want to keep that right for themselves.

Are these legislators not being hypocritical by imposing on others a condition of bilingualism that they themselves are refusing to respect?

Some senators have made the point that other federal courts give litigants the right to be heard in the language of their choice. That is indeed true.

The Official Languages Act stipulates that the federal courts must give equal access to both official languages. However, no federal court requires potential judges to be bilingual.

As I was saying earlier, no federal institution imposes bilingualism on applicants. Any Canadian who understands one of the two official languages can apply for a position within a federal court.

Bill C-232 is a measure that would set precedents by making the Supreme Court the first federal institution to use federal legislation to deny a unilingual Canadian the right to serve that institution and to serve their country. Some people think the Supreme Court is so important that it justifies denying unilingual Canadians the right to serve it and sit on it.

Honourable senators, this is a slippery slope. Any justification for refusing to allow non-bilingual Canadians to serve their country paves the way to the possible refusal to respect the official languages rights of all citizens. If it is justifiable and acceptable to deny official languages rights to a Supreme Court candidate, whose rights will be denied next? Could we deny rights to those who want to join the army, the public service, even Parliament?

If we could justify not allowing unilingual Canadians to serve, does that same logic mean that it would be acceptable to refuse a non-bilingual person the right to serve in certain federal institutions?

Linguistic duality would lose all value. Proponents of linguistic duality must ask themselves if imposing bilingualism, other than as it is set out in the Official Languages Act, is a wise linguistic policy.

Linguistic duality is gaining more support throughout Canada, as is respect for official language minority communities.

You cannot start cherry-picking your rights. In French, it is a new twist on a familiar saying: *On ne peut prendre les perles et laisser les pierres*.

If we can justify trampling on the official language rights of Supreme Court candidates, does that not imply that we can brush aside the official language rights of ordinary people and attack institutions with less prestige than the Supreme Court?

Do we really want to start studying one-off private members' bills that would impose linguistic requirements on federal institutions?

The Bloc and Liberals proposed an amendment to Bill C-20 in the other place, under which the CEO of the National Capital Commission would now have to be bilingual. According to the Bloc member who proposed the amendment, he attended a meeting and "realized that [the CEO] was not able to respond to people's questions in French." I find it a bit odd that the Bloc Québécois has now started to support bilingualism. That is quite a novelty. I wonder how the Bloc Québécois will explain that to their Quebec constituents. But I digress. This is akin to rejecting the Official Languages Act.

We should all be proud of our successes that are a product of our official language laws and policies.

I sat in Parliament in 1988, in the other place, when the last amendments to the Official Languages Act were being debated and I remember the good will and attention that exemplified the changes.

We respected the guiding principle that Canada has two official languages and that Canadians would not be denied the right to serve their country. The official language rights of both francophones and anglophones will be protected.

The Official Languages Act has served Canada extremely well. An increasing number of Canadians support its principles, provisions and protective measures. In fact, the courts and many Canadian citizens grant it a quasi-constitutional status, and with good reason.

Canadians can take comfort in knowing that the Official Languages Act guarantees them protection if their language rights are violated. As in the past, they can appeal to the Commissioner of Official Languages to have their rights protected.

The Official Languages Act also set out protective measures for official language minority communities to ensure that federal institutions respected minority rights.

By refusing to respect the right of unilingual Canadians to serve in one of our federal institutions, this bill implies that the Official Languages Act and the principle of linguistic duality are meaningless.

[English]

This is why I am particularly disappointed and disturbed with the decision of the Commissioner of Official Languages to lobby for passage of legislation that takes away the language rights of candidates for the Supreme Court of Canada and supports the imposition of bilingualism. Linguistic duality and bilingualism are two entirely different precepts. If there is one person who should know the difference between them, it is the Commissioner of Official Languages. That is the one person to whom parliamentarians should be able to turn to help explain objectively and authoritatively these two different concepts.

This private member's bill has nothing whatsoever to do with the Official Languages Act. In fact, I question how the commissioner, as an officer of Parliament, can use his office to

lobby for a bill that clearly goes against the principles of the Official Languages Act and the constitutionally protected rights of Canadians. Nowhere in the Official Languages Act is the notion of bilingualism found. It is my view that the commissioner is wrong and is outside his mandate to downgrade the right to a privilege to serve their country.

Some Hon. Senators: Hear, hear!

Senator Comeau: Under Part IX, subsection 56(1) of the Official Languages Act describes the mandates of the commissioner as follows:

It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society.

I suggest that the commissioner publicly justify how and under what mandate he is using the considerable powers and resources of the Office of the Commissioner of Official Languages to lobby for bilingualism policies that clearly fall outside the commissioner's mandate.

The Hon. the Speaker: It being six o'clock and pursuant to the *Rules of the Senate*, I am obliged to leave the chair to return at eight o'clock.

(The sitting of the Senate was suspended.)

• (2000)

(The sitting of the Senate was resumed.)

Senator Comeau: Honourable senators, the main arguments for the necessity of Bill C-232 is that a judge who relies on professional interpreters will miss the nuances of oral arguments and therefore not render a proper judgment in the interpretation of principles of law.

Senator Tardif referred to Michel Doucet who said that he possibly lost a case because anglophone judges could not understand his oral testimony.

[Translation]

However, honourable senators, I would like to say that if such a situation arose, it would be a grave miscarriage of justice. Fortunately, when that happens, the Supreme Court has provided recourse for re-hearing cases in section 76 of its rules of practice. In *Protestant School Board v. Quebec (Attorney General)* in 1989, the Court confirmed the existence of this recourse in exceptional cases of miscarriage of justice. Perhaps Mr. Doucet could have examined that recourse.

Another question remains: if such an exceptional situation were to arise with simultaneous interpretation, it is easy to prove the mistake was made in the interpretation and to appeal for a re-hearing? However, without interpretation, as set out in this bill, if the judge misunderstands something, that would be impossible to prove.

Will a judge admit that he or she misunderstood a linguistic nuance? I doubt it.

[English]

The argument is that professional interpretation does not work, that it is a failure. If such is the case, it logically follows that Parliament itself does not work because a great number of unilingual parliamentarians rely, and have historically relied, on professional interpreters to follow the debates of Parliament on which they base their votes. The United Nations and the European Union would be in terrible trouble if professional interpretation did not work.

Frankly, I greatly admire the work of our professional interpreters, and I see absolutely no cause to question their interpretation skills and the skills that they provide not only to Parliament but also to the Supreme Court and other venues.

This argument also presumes that Supreme Court judges render judgments on facts or evidence presented orally before them. That is not the case. The Supreme Court is not there to receive the evidence of a case as it is not the role of the Supreme Court to gather the facts. The facts of particular cases that may make their way to the Supreme Court are the responsibility of the lower courts. The role of the Supreme Court as an appellate court is to adjudicate legal questions and principles, not to reassess or re-weigh the evidence.

As an aside, there is no right to be heard by the Supreme Court, except in criminal cases where there is dissent on a point of law at the Court of Appeal. Otherwise, the Supreme Court decides whether it will hear a case or not, and it does not even need to explain its reasons for refusal.

The argument that a Supreme Court justice who relies on highly trained professional language experts to better understand oral legal arguments would be unable to render a sound legal judgment is simply nonsense.

It has been further argued that a Supreme Court judge should be able to understand the emotion behind the words in the oral arguments. Again, this argument is nonsense. Emotion is the domain of the lower courts where issues of credibility are assessed and adjudicated. Some have suggested that the bill does not require that Supreme Court justices be bilingual, yet these same proponents argue for perfectly bilingual judges. Senator Jaffer clearly summed up the bilingual argument by pointing out that justices have —

... to understand exactly what my client's words meant in both official languages.

Such comments confirm that the Supreme Court candidate would have to be perfectly —

I see that my time is up. I wonder if I might be granted an extra five minutes.

Hon. Senators: Agreed.

Senator Comeau: Some comments confirm the intent that the Supreme Court candidate would have to be perfectly and fluently bilingual to understand fully what is claimed in legal arguments in both languages of both the civil and common law systems without the aid of an interpreter.

To conclude, this bill is based on the premise that Canada is a bilingual country. In fact, Canada is not a bilingual country but a country with two official languages. With the exception of the Supreme Court, federal institutions are required by the Official Languages Act to respect the two official languages.

This bill proposes a new concept of individual or personal bilingualism for candidates to serve in one of our nation's most important federal institutions. Imposing bilingualism without the protections of the Official Languages Act is in my view a dangerous precedent.

Let us stick with linguistic duality, equality of the two official languages, and not fool around with half-baked bilingual schemes. Otherwise, we have to question how safe our language rights are if backbenchers with a slim majority can start messing around with fundamental rights by means of private members' bills. The very slim margin, a vote of 140 to 137, coalition members in the other place have the legislative numbers to pass such legislation by slim margin, a vote of 140 to 137, and impose bilingual requirements on the Supreme Court candidates. Majorities can impose such laws, which is why minority language communities should take warning.

Over my 25 years in Parliament, I have fought for the promotion of linguistic duality and the protection of official language minorities. I ask all honourable senators not to be sucked into supporting legislation that takes away individual language rights.

Senator Mercer: Oh, oh.

Senator Comeau: Senator Mercer, you will have your chance.

I move now to the principle of the bill. There are two aspects to voting on this —

An Hon. Senator: Order.

Senator Di Nino: A little respect, please.

Senator Comeau: Your Honour, is my time on this bill being used up by Senator Mercer?

There are two aspects to voting on the second reading principle of the bill, aim and the means. The aim or object of this particular bill is for litigants to be heard by Supreme Court justices without interpretation, whatever that means. Equally important at second reading is the means or mechanism by which the aim is so accomplished.

This aspect is where the real problem arises with this bill. To accomplish the aim, the bill has to take away language rights of Canadian citizens. I suggest to honourable senators that the aim does not justify the means.

• (2010)

If we want to attain the objective of a fully bilingual court, we will have to go back to the drawing board and accomplish our objectives without trampling on the language rights of Canadians.

I want to address my anglophone friends from across Canada who may not be bilingual. I encourage my anglophone friends to go to francophone parts of Canada. You will be amazed at what you will find. I especially invite you to go to Quebec, which is a whole new world. You will learn a new culture, a different language, and you will be amazed at how friendly and great the people of Quebec are; not only the francophones of Quebec but also the francophones throughout Canada. You will meet people you will truly like.

[Translation]

I also want to address francophones from across Canada who should in no way be fooled by this type of bill that takes away their rights. I especially want to address the francophones who have worked for decades and centuries to protect their language and their culture. They should not let this type of bill persuade them to stop fighting for their rights. We saw that with the plan for the National Capital Commission, where amendments have been proposed; we are starting to see requirements that members of Parliament from the other place be bilingual. I want to encourage you by saying that I will never support a bill that will force our Canadians to learn a second language in order to be able to serve their country.

[English]

I say this to my anglophone friends as well: I will never support any project or law that imposes upon or forces Canadians to learn a second language in order to serve their country. Learn it because you want to learn it, not because you are forced by parliamentarians to learn it. That is where my thoughts are on this subject.

Some Hon. Senators: Hear, hear!

[Translation]

Hon. Serge Joyal: Would the honourable senator accept some questions?

Senator Comeau: Yes.

Senator Joyal: I listened closely to both parts of Senator Comeau's speech and I am disappointed that we were not able to hear it all at once, due to the six o'clock break. However, in the first part of his speech, if I understood his remarks correctly, he said that the Official Languages Commissioner had erred in his interpretation of his mandate in particular and had spoken about his interpretation of the Official Languages Act and the Constitution, which Senator Comeau felt was not in keeping with the nature of his mandate.

Given that he cannot possibly explain this unless he comes to this chamber during a sitting where we give him the opportunity to make his point, or unless he testifies at committee as to how he would answer the senator's questions and counter his conclusions, which of the two forums would the senator prefer for giving him an opportunity to explain his point of view?

Senator Comeau: The official languages commissioner defended his opinions publicly in the House of Commons, during his presentations before the Standing Committee on Official

Languages. He defended them publicly in the papers and, if I recall correctly, before the Standing Senate Committee on Official Languages, where he spoke in favour of this bill. He even encouraged committee members to pass the bill. If you have listened to my comments carefully, you will have heard me say that this bill has nothing to do with official languages. This is simply not the mandate of the commissioner of official languages.

This is a bill to impose bilingualism on individuals as a condition of serving a federal institution. It imposes bilingualism and has nothing to do with the Official Languages Act. I believe I have made that very clear. In my opinion, his mandate does not include exploring issues of bilingualism in order to impose new forms of individual bilingualism. In my opinion, his mandate is the Official Languages Act and not some new form of individual bilingualism.

The Hon. the Speaker: I regret to inform honourable senators that Senator Comeau's additional time has expired.

(On motion of Senator Comeau, on behalf of Senator Meighen, debate adjourned).

[English]

BANKRUPTCY AND INSOLVENCY ACT AND COMPANIES' CREDITORS ARRANGEMENT ACT

BILL TO AMEND—SIXTH REPORT OF BANKING,
TRADE AND COMMERCE COMMITTEE—
VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tkachuk, for the adoption of the sixth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-216, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act in order to protect beneficiaries of long term disability benefits plans, with a recommendation), presented in the Senate on November 25, 2010.

Hon. Stephen Greene: Honourable senators, I would like to begin by stating my sincerest sympathies for how difficult this situation is for the 378 Nortel long term disability claimants. Not only do they have to cope with whatever physical reasons have forced them into being disabled claimants in the first place, they are now drawn into a very complicated and difficult legal and financial circumstance. I have read many of the claimants' letters and emails and have reflected on them.

In any insolvency situation, we are dealing with one constant: There is simply not enough money to go around and difficult decisions must be made. The case before us is perhaps as difficult to solve as anyone could imagine.

Unfortunately, Bill S-216 does not offer a solution for Nortel's LTD claimants. The reason for this is as follows: Bill S-216 attempts to retroactively change the legal framework for creditors, in particular the Nortel LTD claimants, but is not capable of enforcing the solution it wants.

[Senator Comeau]

It proposes to put unsecured LTD claims higher on the list of creditors, thus solving or ameliorating the workers' problem. I will admit that, as a policy issue, I am probably not against such a provision. Other countries have this type of priority, and it might be an option that Canada ought to look at in the future. Unfortunately, while future claimants could conceivably be helped by this bill, changing the current legal framework and having those changes apply to the past will not solve the problem for Nortel workers on long-term disability.

Nortel, of course, is subject to proceedings under the Companies' Creditors Arrangement Act, which requires that certain legal procedures must be followed, and they have. In this case, changing the legal landscape after the event will not be enough.

We have heard plenty of arguments as to how the will of Parliament is supreme and that it can legislate retroactivity. This is true. *British Columbia v. Imperial Tobacco Canada Limited*, 2005 confirmed this. This is not a case of simple retroactive legislation, though. The CCAA procedures underline that if any claims are to be paid, Nortel itself must file a Plan of Compromise, by which the remaining funds in the company are divided and paid to creditors.

In the Nortel case this plan has been court approved. There is also a clause in the court agreement that immunizes the agreement from future changes in the law that might affect the plan. All of the creditors are bound by this, including the Nortel workers.

The Ontario Superior Court's decision states very plainly that Nortel can choose to ignore any future legal changes that have a retroactive effect on the order of claims. The judge stated that such compromises, as found in the sad case of Nortel, are final.

In rendering his decision the judge said:

It is not, in my view, reasonable to require creditors to, in effect, make concessions in favour of the Former and LTD Employees today. . .

Which has occurred,

. . . and be subject to the uncertainty of unknown legislation in the future.

It is thus highly unlikely that, just because a law has been changed, Nortel would file a new plan without a legal fight, and likely a lengthy and costly one, because there is no requirement for Nortel to do so. We all must recognize this. Retroactivity is not the only issue here. The court agreement allows Nortel to ignore legal changes. Thus, for the LTD claims to be extended, Nortel itself must recognize that the laws have been changed and then must decide to file a new plan in order that Nortel LTD claimants are satisfied.

• (2020)

There is nothing in this bill that can force Nortel to file a new compromise plan, which would be necessary in order for any new claim to be awarded to the LTD claimants. This is unfortunate, but true.

In short, the bill changes the rules under which the previous compromise plan was made, but it is powerless in forcing a new compromise to be made and it is powerless in avoiding the court's decision that Nortel can ignore retroactive legal changes to the priority of claimants. As it is, the bill would simply state that the order of claimants is different, to which Nortel can legally answer, "So what? We have a court agreement that says we can ignore it," and they can, without legal consequences.

We know Nortel will not file a new compromise plan, because they have given no indication that they wish to do so. They are free to alter the compromise plan now.

As it turns out, because of the court agreement, this bill, as it applies to Nortel, is a retrospective piece of legislation, not a retroactive piece. There is a difference.

The Supreme Court of Canada, in *Benner v. Canada*, adopted these definitions to explain the distinction: A retroactive statute is one that operates as of a time prior to its enactment. A retrospective statute is one that operates for the future only. It is prospective, but it imposes new results in the future with respect to a past event.

In plain English, a retroactive law has action on previous events, while a retrospective law only looks at previous events. With Bill S-216 — and this is a fact — the law would only be looking at the past and passing a kind of judgment on it. However, it is powerless to force any action. The court settlement states exactly that. This bill will not force any action. Nortel will not file a new plan, as is necessary in any CCAA process. Nothing will change for Nortel LTD employees if this bill is passed, at least not unless Nortel wants change.

The bill can only look at the past, not act on the past. Of course, as senators, and as public servants, which we are, we would all like to help people. However, it is important that we actually help, and not just leave the impression that we are helping. As Senator LeBreton has said in this chamber, we must not raise false hopes with this bill. This goes for both this legislation and us senators: We must be more concerned with action that will help and less with appearances that will not.

Let us not forget that even if Bill S-216 was a magic bullet and actually worked, the money that would end up with LTD claimants would not come out of the pool of money that was used to pay the million-dollar bonuses to executives that my colleagues like to rail about. It would come from monies owed to other creditors, other companies, big and small.

When not discussing magic bullets and other fantasies, when truly discussing action on this file or any other, we must be wary of unintended consequences. We must be wary of unintended consequences whenever we contemplate picking out one group of people and seeking to legislate specifically for them in the context of a law that would apply and operate generally.

Once again, this is all so terrible; it really is. However, the answer is not in this legislation, not by a long shot.

Our committee's report mentions what some of these unintended consequences could be. For example, as some witnesses told us, this bill might cause companies in bankruptcy proceedings to prefer to be liquidated rather than to be restructured.

As several witnesses stated, Bill S-216 would reduce the amount that some creditors would otherwise hope to recover in bankruptcy proceedings. Bill S-216 would also increase the risk for investors and raise, however marginally, the financing costs for bond-issuing companies.

Considering further the cost to business of raising funds, companies that offer long-term disability insurance benefits would find themselves at a financial disadvantage to companies not offering such benefits, both domestic and foreign.

In the case of investors who buy bonds in a Canadian business, a change in the order of priority increases the risk that they will not be able to recoup their investment in the event of a company's failure. This increased risk could mean that investors will become less willing to buy corporate bonds of companies offering LTD, depriving them of financing and hindering their ability to grow.

It could also create a higher risk premium on bonds, making financing more expensive. In effect, higher risk means increased financial costs for businesses financing their operations or expansions. In the grand scheme of the economy, this could lead to reduced economic growth and job creation.

There was lots of testimony at committee that the bill needs amendment before it even has a ghost of a chance to do some good. Senators Herveux-Payette and Eggleton both mentioned a witness in their speeches, a legal expert by the name of James Pierlot. Both senators mentioned that this legal expert supported the bill. They failed to mention, however, that in his testimony and in his brief, Mr. Pierlot offered 35 amendments to the bill. Thirty-five amendments to a bill with only eight clauses by a supposed advocate ought to raise some flags amongst senators being asked to support a bill.

Do we realize how complex this issue is? There can be so many variables, depending on how generous the employer is to its employees. Each and every corporation may have a different definition as to what constitutes a disability or the length of the benefit term. What if some long-term disability plans are integrated with other programs? There are many variations that need study.

Looking at changing the order of claim priority in bankruptcy law for everyone from the date of Royal Assent onward is something the Senate or the minister might want to explore. I, myself, would be sympathetic to a study of this. However, singling out one group out of all the others in our country and making a general and broadly applicable legal change that affects the whole population, but which is actually aimed at one group to solve a particular problem, does not strike me as good law precedent and practice.

I say this with the full appreciation of the difficulties, stresses and heartaches that Nortel's LTD claimants are currently experiencing. We know that Nortel is going through restructuring right now, so there is reason to hope that the benefits for LTD workers will be extended beyond December 31.

In the meantime, the chamber should join my colleague Senator Kochhar's appeal to the current Nortel stakeholders to agree by consensus and in good faith to allow LTD claimants to withdraw their share of funds from Nortel's assets, and we encourage them to do so.

These, then, are the reasons that we must unfortunately adopt the report on Bill S-216 of the Standing Senate Committee on Banking, Trade and Commerce.

Hon. Art Eggleton: Will the honourable senator take questions?

Senator Greene: Yes, of course.

Senator Eggleton: Let me start with the question of retroactivity. The honourable senator cited James Pierlot, who is a pension lawyer, consultant and expert on this subject. He said that retroactivity is not an issue with this bill.

The honourable senator says that Mr. Pierlot proposed amendments. Yes, in fact, he proposed an amendment to clause 8, the transitional clause, which I indicated to the committee that I wanted to put forward. If you look at it in that light, clause 8 would read:

For greater certainty, this Act applies to a debtor in respect of whom proceedings under the Bankruptcy and Insolvency Act or under the Companies' Creditors Arrangement Act have commenced before the coming into force of this section and, notwithstanding any judgment or order by any court during those proceedings.

The honourable senator already cited the Supreme Court decision that says this kind of retroactivity is all legal to do. It is a limited retroactivity, because the matter is not closed yet; it is still before the courts.

I do not understand how the honourable senator can say that this bill would not be successful in terms of retroactivity when the clause that is in the bill, with that amendment, makes it clear that retroactivity applies to this case.

Can the honourable senator explain that?

Senator Greene: Yes, I would be happy to. I am looking for a particular reference. This is from the judgment of the Superior Court of Justice, Ontario, Justice Morawetz, who rendered his decision on the settlement agreement.

He said that he is firmly of the view, and is right in his judgment, that retroactivity is not a subject that can apply to this particular court agreement. He said, as I said in my speech:

It is not, in my view, reasonable to require creditors to, in effect, make concessions in favour of the former and (disabled) employees today, and be subject to the uncertainty of unknown legislation in the future.

• (2030)

Mr. Justice Morawetz is clear: It is right in the legal agreement that retroactivity cannot apply a change in the law. This particular agreement is immune to changes in the law. All that will result is endless lawsuits.

Senator Eggleton: If I can continue with the questioning; if more time is possible, I would appreciate it.

The Hon. the Speaker: As a matter of order, Senator Greene's allotted time has expired.

Senator Cools: So give him more time.

Senator Tardif: Five more minutes.

The Hon. the Speaker: It is up to the honourable senator whose time we have just been on —

Senator Cools: Ask for time.

The Hon. the Speaker: — to ask for additional time. Should he choose not to ask for additional time then we continue debate, and I hear no request for extension of time.

Senator Eggleton: Are you afraid of the questions?

The Hon. the Speaker: Continuing debate.

Senator Eggleton: Maybe he is afraid of the questions.

The Hon. the Speaker: Hearing no further debate, are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: I will put the question.

It was moved by the Honourable Senator Hervieux-Payette, seconded by the Honourable Senator Tkachuk, that this report be adopted now.

Is it your pleasure, honourable senators to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

Hon. Jim Munson: Your Honour, I wish to defer the vote.

The Hon. the Speaker: Pursuant to the rules, the chief opposition whip has the right to defer the vote, which is deferred until tomorrow, Wednesday, at 5:30 p.m.

SUSTAINING CANADA'S ECONOMIC RECOVERY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-47, A second Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR—ELEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*budget—release of additional funds (study on the energy sector)*), presented in the Senate on December 2, 2010.

Hon. W. David Angus moved the adoption of the report.

(Motion agreed to and report adopted.)

[Translation]

THE SENATE

MOTION TO ESTABLISH NATIONAL DAY OF REMEMBRANCE AND ACTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Robichaud, P.C.:

That in the opinion of the Senate, the government should establish a National Day of Remembrance and Action on Mass Atrocities on April 23 annually, the birthday of former Prime Minister Lester B. Pearson's, in recognition of his commitment to peace and international cooperation to end crimes against humanity.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I see that this item has been on the Order Paper for 14 days. I would like to move the adjournment of debate on this motion in my name for the remainder of my time.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Wednesday, December 8, 2010, at 1:30 p.m.)

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CANADA



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OFFICIAL REPORT
(HANSARD)

Wednesday, December 8, 2010

—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, December 8, 2010

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE DANNY WILLIAMS

Hon. Ethel Cochrane: Honourable senators, I am thrilled to say that I come from a province that is led today by a strong and capable female premier, The Honourable Kathy Dunderdale.

Some Hon. Senators: Hear, hear.

Senator Cochrane: As a matter of fact, we are unique in that all three political parties in Newfoundland and Labrador are led by women. As honourable senators are all well aware, it is an exciting and prosperous time for us.

Under the dynamic leadership of Danny Williams, the province has earned a new place in the Canadian federation and in the consciousness of all Canadians. Newfoundland and Labrador is a strong contributor, equal partner and commanding voice on the national scene. The rest of the country now sees us as we have always seen ourselves, and of this we are rightfully proud.

As premier, Danny Williams served Newfoundland and Labrador with a strength and passion that inspired us all. He never backed away from a fight or bowed to pressure, either from governments or from big business. In every sense of the word, he is a politician with integrity. As we say on the island, he is a rare breed.

Make no mistake about it: Danny Williams' achievements in political life are many. While much attention has focused on his work in relation to the Lower Churchill Project and the oil and gas industry, I also want to point out another, perhaps less obvious achievement: the Poverty Reduction Strategy. Created with a goal of making Newfoundland and Labrador the province with the lowest poverty rates in Canada by 2014, the results since 2003 have been dramatic. For example, the incidence of low income decreased from 63,000 persons in 2003 to 33,000 in 2007. That remarkable result was achieved in only four years.

Over the same time, the depth of poverty decreased by \$600 and is now the lowest in the country. Today, Newfoundland and Labrador has the third lowest level per capita in the country of persons living with low incomes. This progress is incredible.

Throughout his political career, Danny Williams remained a man of the people. He leaves the province well positioned and poised for even greater success. When announcing his departure, he said, "We have come this far together and the best is yet to come."

Honourable senators, I could not agree more. I thank Danny Williams for his outstanding contribution to the lives of Newfoundlanders and Labradorians, and I ask honourable

senators to join with me in congratulating Premier Kathy Dunderdale as she begins her historic post as the province's first female premier.

[Translation]

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

TWENTY-FIRST ANNIVERSARY OF TRAGEDY
AT ÉCOLE POLYTECHNIQUE

Hon. Lucie Pépin: Honourable senators, 21 years ago, 14 women were killed at École Polytechnique in Montreal. On Monday, we remembered these young students who were killed simply because they were women. Over time, December 6 has become a day for us to speak out in unison against violence against women.

Every day, Canadian women are victims of psychological, physical and sexual violence. Very often, this violence is perpetrated by someone they know. Seniors are twice as likely to be abused by a family member, as well. The rate of spousal homicide among Aboriginal women is still much too high. Hundreds of Aboriginal women and girls have disappeared and the authorities are indifferent. This double standard is disturbing in a fair and egalitarian society like ours. Immigrants are another category of women who are vulnerable to domestic violence because of their economic dependence, language barriers and limited access to resources.

Any type of violence has devastating physical, emotional and psychological consequences. Many victims will never fully recover, not to mention the children who grow up in that kind of environment.

These days, we are certainly more aware of violence against women. However, there is still work to be done to ensure that our sisters and our daughters are no longer persecuted or threatened because of their gender.

Acts of violence should not be tolerated or excused. When we work together, we can effectively combat all forms of violence in our society. Let us not forget that.

[English]

DISCRIMINATION BASED ON SEXUAL ORIENTATION

Hon. Nancy Ruth: I stand today to tell honourable senators that the United Nations has decided that it is okay to kill gays. The United Nations General Assembly, at the Third Committee on November 16, decided to remove a reference to sexual orientation from a resolution on extrajudicial arbitrary and summary executions. For 11 years, the resolution has included sexual orientation as one of the discriminatory reasons that killings have

been committed and that warranted investigation. Other groups identified at risk include persons belonging to ethnic, religious or linguistic minorities.

However, an amendment jointly proposed by the African Group, the Arab Group and the Organization of the Islamic Conference to remove a reference to sexual orientation was adopted. The amendment means that the resolution no longer urges states to protect against, and investigate, gay killings.

All extrajudicial, arbitrary and summary executions must be condemned, no matter what their basis. However, certain groups are especially vulnerable, and the lesbian, gay, bisexual and transgender, LGBT, community is particularly at risk.

Therefore, if honourable senators are travelling south in January to Cuba, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, Barbados, Colombia, Trinidad and Tobago, St. Vincent and the Grenadines, they should remember that those countries voted against, or abstained from, protecting gays, and they will let gays be killed. If honourable senators want to change their travel plans, they should head for Costa Rica, the Dominican Republic or Mexico.

• (1340)

NORTEL

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, in 2008, when Nortel officials announced that the company had sought bankruptcy protection, to say the world was shocked is an understatement. With this announcement came a cloud of uncertainty that hovered over both the country's economy and its politics. As more and more information became available, it soon became clear to the entire country that stories about the Nortel bankruptcy would continue to dominate news headlines.

However, no news story can dominate without some form of a human face. In the case of Nortel, stories were centred on the numerous worries and concerns of the thousands of Nortel employees across the country.

As honourable senators may know, Nortel workers were divided into four main pension groups. Of these groups, three were unionized and one was not. While the union sprang into action organizing various lobby teams and starting to plan protests, those without a union umbrella wondered where to begin.

In a time of crisis, human instinct often has us turn to others for help, whether it be one's family, friends or neighbours. In the case of Nortel, this person was the Canadian government. Amongst all Nortel's employees, there was a general belief that there was no way the government would let their pensions fail. Surely, they said, the politicians would realize the implications and the hardships these individuals would face if the pension fund collapsed. In lunchrooms and coffee shops across the country, they hoped, all anxiously awaiting news on the fate of their pensions — their livelihoods.

For months, Nortel's call for help remained unanswered, until word reached the Congress of Union Retirees of Canada. "We will help," they said. "Please tell us what you need."

[Senator Nancy Ruth]

Within a matter of months, they, along with Nortel's retirees executive board, had organized three rallies: one on Parliament Hill and two in front of Queen's Park. Buses were hired, speakers were found and a tiny ray of hope was offered to all Nortel pensioners, union or non-union. To those caught in the middle, knowing they had the support of the Congress of Union Retirees of Canada was a comfort beyond words.

Nortel collapsed in 2009. To date, their pension fund is the largest pension fund to have failed. Honourable senators, we have heard the stories of those who are most at risk, notably those who are dependent on long-term disability payments, which are finished as of December 31, 2010.

As senators, we have a responsibility towards our fellow Canadians in need. Time is of the essence. Only 23 days remain for those dependent on long-term disability benefits. The government has a responsibility to act.

[Translation]

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

TWENTY-FIRST ANNIVERSARY OF TRAGEDY AT ÉCOLE POLYTECHNIQUE

Hon. Judith Seidman: Honourable senators, on Monday, we marked the 21st anniversary of the École Polytechnique massacre in Montreal, during which 14 young women were shot and killed because they were women.

[English]

Unfortunately, incidents like those are not uncommon around the world. Statistics show that women and girls are more often the victims of violence and assault. In Canada alone, close to 200 women or girls are killed annually in acts of gender-based violence. Victims of sexual assault are almost six times more likely to be female.

From November 25 until December 10, we are marking the 16 Days of Activism on violence against women.

[Translation]

Honourable senators, I hope that you noticed how on Monday, all flags on Parliament Hill were at half mast to mark the National Day of Remembrance and Action on Violence Against Women. We must never forget the many women who have been victims of violence or murder.

[English]

We also heard recently about the murder of a Toronto man by a crossbow. A son killed his own father due to years of physical and emotional abuse suffered by both him and his mother. Nora Fang, the abused mother, had a restraining order against her husband. This was not enough to keep her safe.

What transpired between the father and the son was a tragic result of violence against a woman — a mother.

This is only one recent example of violence against women in our society. More than 100,000 women and children are admitted to Canada's shelters for abused women across this country per year. There is a need for more public awareness, vigilance, education and support for the victims.

[Translation]

Ending violence against women is one of our government's priorities.

[English]

Since 2007, we have approved over \$30 million in Status of Women funding for projects to end violence against women and girls. As a result, many community projects are under way to help the women and girls who desperately need it.

We have also launched a citizenship guide through Minister Jason Kenney's initiative to highlight Canadian principles of equal and fair treatment of women and girls.

Honourable senators, by working together on such projects, we hope to put an end to all forms of violence against women and girls in Canada.

HALIFAX EXPLOSION

NINETY-THIRD ANNIVERSARY

Hon. Terry M. Mercer: Honourable senators, on Monday, December 6, we remembered a solemn day in Nova Scotia's history, for it was on that day in 1917 when the Halifax Explosion ripped through neighbouring communities, killing 2,000 people and wounding over 9,000. Everything within a two-kilometre radius was destroyed, including the neighbourhood where I grew up many years later. A tsunami with over 60-foot waves pounded at the shoreline.

A French cargo ship, the SS *Mont-Blanc* was fully loaded with explosives and collided with the SS *Imo*, a Norwegian ship, in Halifax Harbour. To this day, the explosion is still the world's largest man-made accidental explosion.

It was close to Christmas, and winter had arrived, so the population was stocked up with fuel for heat and light. As a result of this fuel, the explosion caused major fires throughout the city, most notably, in the North End where I grew up.

Entire streets were on fire and entire communities destroyed. What made the disaster even worse was that a blizzard arrived the next day. At the school, which I attended many years later, the gymnasium was turned into a morgue for the bodies of the dead.

Honourable senators, during such disasters we often hear about acts of heroism. We cannot forget the brave sacrifices made by the firemen, many of whom lost their lives, and the hard work of the boatmen who helped in the harbour.

We also remember Vince Coleman, the railway dispatcher, whose telegraph message stopped all incoming trains from arriving in the city, saving hundreds of lives, even at the cost of his own life.

We cannot forget the work of the doctors, nurses and other aid workers who worked as best they could to help save lives and care for the injured. Help came from all over Eastern Canada, including Montreal. Even the City of Boston sent workers to help, who arrived on a train the day after the explosion. They were also the last to leave.

In 1918, Halifax sent a Christmas tree to the City of Boston to thank the many doctors, nurses and volunteers who came to Halifax to help in the relief efforts. This tradition was restarted in 1971. Since then, a Christmas tree has been donated every year to the City of Boston. This year, a nearly 50-foot white spruce was donated by Gary and Roseann Misner from North Alton, King's County, Nova Scotia, and was lit in the Boston Common on December 2.

Honourable senators, especially during the Christmas season, we should remember the sacrifices of all those who helped in the aftermath of the Halifax explosion.

We should all aspire to sacrifice of ourselves to help others, for is that not truly the meaning of Christmas?

• (1350)

ROUTINE PROCEEDINGS

CONFLICT OF INTEREST FOR SENATORS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Terry Stratton: Honourable senators, pursuant to rule 104, I have the honour to table, in both official languages, the first report of the Standing Committee on Conflict of Interest for Senators, which deals with the expenses incurred by the committee during the Second Session of the Fortieth Parliament and the Intersessional Authority.

(For text of report, see today's Journals of the Senate, p. 1063.)

[Translation]

THE SENATE

NOTICE OF MOTION TO SUSPEND THURSDAY'S SITTING FOR THE PURPOSE OF ADJOURNMENT OR TO RECEIVE MESSAGES FROM THE HOUSE OF COMMONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That following the completion of the Orders of the Day, Inquiries and Motions on Thursday, December 9, 2010, the sitting be suspended, if either the Leader or Deputy Leader of the Government so request, to resume at the call of the chair with a fifteen minute bell; and

That, when the sitting resumes, it be either for the purpose of adjournment or to receive messages from the House of Commons.

[English]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

VISIT OF COMMITTEE ON CIVIL DIMENSION
OF SECURITY TO OBSERVER PROGRAMME
OF EXERCISE 'ARMENIA 2010',
SEPTEMBER 16-17, 2010—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association to the Visit of the Committee on Civil Dimension of Security to the Observer Programme of Exercise 'Armenia 2010', held in Yerevan, Armenia, from September 16 to 17, 2010.

VISIT OF SUB-COMMITTEE ON EAST-WEST ECONOMIC
CO-OPERATION AND CONVERGENCE,
SEPTEMBER 29-OCTOBER 1, 2010—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association to the Visit of the Sub-committee on East-West Economic Co-operation and Convergence, held in Prague, Czech Republic, from September 29 to October 1, 2010.

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT
TO PROVIDE FUNDING FOR DEVELOPMENT
OF NATIONAL BRAIN STRATEGY

Hon. Sharon Carstairs: Honourable senators, pursuant to rule 58(1)(i), I give notice that, one day hence, I will move:

Whereas the Senate of Canada recognizes that brain conditions, including developmental, neurological and psychiatric diseases, disorders, conditions and injuries, are a priority health, social and economic issue threatening the well-being and productivity of Canadians;

Whereas 5.5 million Canadians are living with a neurological disease, disorder, or injury and an estimated one in three Canadians will be affected by a neurological or psychiatric disease, disorder or injury at some point in their life;

Whereas the federal government has a leadership and coordination role with regards to health care in Canada; and

Whereas a targeted, coordinated National Brain Strategy developed in collaboration with government, non-profit and private sector stakeholders and focusing on innovative approaches to address research, prevention, integrated care

and support, caregiver support, income security, genetic discrimination and public education and awareness would minimize the impact of brain conditions in Canada;

Be it resolved that the Senate of Canada urge the Government to provide funding for the development of a National Brain Strategy for Canada;

And that a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

CONFLICT OF INTEREST FOR SENATORS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO REFER PAPERS AND DOCUMENTS FROM
SECOND SESSION OF FORTIETH PARLIAMENT
AND INTERSESSIONAL AUTHORITY

Hon. Terry Stratton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the papers and documents received and/or produced by the Committee on Conflict of Interest for Senators during the Second Session of the Fortieth Parliament, and Interseasonal Authority be referred to the Committee on Conflict of Interest for Senators.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING SITTINGS OF THE SENATE
FOR DURATION OF CURRENT SESSION

Hon. Terry Stratton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, for the duration of the current session, the Standing Committee on Conflict of Interest for Senators be authorized to sit even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

[Translation]

WOMEN IN PRISONS IN CANADA

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to issues related to women in prisons in Canada.

[English]

QUESTION PERIOD

INDUSTRY

LONG-TERM DISABILITY BENEFITS— NORTEL EMPLOYEES

Hon. Art Eggleton: Honourable senators, my question is to the Leader of the Government in the Senate.

I have a letter from Helen Ma of Calgary, Alberta.

To All the Senators

Do you have parents who are elderly, in retirement and receiving government pension?

What do you think would happen to them, if they were being cut-off from those payments? How do you think they would eat, pay their medical bills from aging illnesses and cover utilities to warm and light their home? You would see the hardship that they would be thrust into. Being that they are your family, you would do what you could to help them.

I am a Nortel disabled employee who is essentially losing her pension!

It is a direct relation, because I am too young to retire and I am unable to work because of my illness. I need to worry about all those same things that your aging parents would have to worry about, except with the important addition of my children to feed, keep healthy and warm and, most important, to continue to trust in me as a parent to keep them safe.

I am not asking for the world. I am merely asking for your compassion to help me keep my family from living in poverty and possibly on the streets.

Please look deep into your hearts and see us as family, your fellow Canadians.

Bill S-216 would only mean a little less profit for creditors but would mean life or death for us, the LTDers.

You have the power to determine our destiny.

How does the government respond to Helen Ma?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, obviously, with respect to the situation Senator Eggleton has described in that letter, I am certain that all senators, myself included, would be doing everything we could to help our family members. However, honourable senators, one thing I would not do is hold out false hope that a piece of legislation I brought in would in any way change the situation for these unfortunate victims of the situation at Nortel.

All senators sympathize with these unfortunate people; however, witnesses before our committees have told us that the bill will not help Nortel long-term disability recipients and instead will lead to endless litigation to the detriment of all involved. This situation is the result of a court-approved agreement between the parties enacted under the legislation in effect at the time, and yesterday my colleague Senator Greene in his excellent remarks here in the Senate succinctly put the facts on the record.

Those are the facts. It does not lessen our concern for these individuals. However, for the honourable senator and for anyone else to suggest to Nortel pensioners that his bill would in any way help their situation is, as he knows, quite wrong and does a great disservice to these people.

Senator Comeau: No conscience.

Senator Tkachuk: You are the ones exploiting them, not us.

Senator LeBreton: As Senator Greene pointed out yesterday, this is a shameful act. These people are in a very difficult position. Obviously, we all understand and sympathize with their dilemma. The honourable senator is wrong to suggest that his bill would change their situation. Furthermore, the Ontario government is the primary government responsible for pensions of this type.

• (1400)

This is not something from which any of us gets any joy. All senators receive these letters and I am as upset by them as anyone else. However, I would not do what Senator Eggleton is doing and have these people believe that the actions of this place can change their situation in any way, because Senator Eggleton knows that is not the case.

Senator Eggleton: The leader still has not answered the question on what the government would do, but I will say that she is absolutely wrong. False hopes? That is ridiculous.

Honourable senators, this bill was drafted after consultation with experts in the field of corporate business law, commercial law and bankruptcy law. The leader talks about the provincial government. This is an amendment to the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act, which are federal laws.

The only witnesses who indicated opposition to this were the ones representing the self-interests of the Canadian Banking Association. Do you expect them to get up and say we want more regulation? Did they justify their opposition? No, they did not. The expert witnesses who appeared before committee said that this bill could do the job. The leader does not respond to the facts; she and her colleagues give political spin. That is all.

Let me bring it closer to the floor since she will ignore Helen Ma of Calgary. Let me talk about six senators who sit on the other side with the leader. In the Banking Committee on November 25, after they put forward that terrible report we will vote on later today, those honourable senators very quickly said that they wanted to have a letter sent to the Honourable Tony Clement because they wanted to go on record as saying that something should be done for these people.

The letter said:

... all members of the Committee are urging you to develop and implement a solution to rectify what some believe is a grave injustice. Time is of the essence, and we look forward to hearing from you about a solution that will ensure revenue for them beyond the end of December 2010.

That letter was sent based on a resolution put forward by Senator Greene, supported by Senator Dickson, Senator Kochhar, Senator Mockler, Senator Plett and Senator Ataullahjan. Those six Conservative senators said, yes, let us write to Minister Clement because something needs to be done for these people. What does the leader say to them?

Senator LeBreton: I will say what I said yesterday, what I have said in this place and what my colleagues have said. The situation that former employees of Nortel are facing is very serious. We know that.

Senator Eggleton: You are doing nothing about it.

Senator Tkachuk: How do you know?

Senator LeBreton: We also said that this is an issue of great concern to the government, and that is why —

Senator Eggleton: When?

Senator Tkachuk: When we were ready. No false hopes.

Senator LeBreton: — we made a commitment in the Speech from the Throne to better protect workers when their employer goes bankrupt. That is why we are currently looking at ways to better protect employees on long-term disability in the event of bankruptcy.

An Hon. Senator: How?

Senator LeBreton: I am sorry if honourable senators opposite think we are not doing this, because we are, in fact, doing this.

Senator Tkachuk: You were on the Banking Committee. You did not do it.

Senator LeBreton: My colleagues signed the letter; that is exactly what the government is trying to do.

An Hon. Senator: Bully us.

Senator LeBreton: Oh, bullying us, he says.

An Hon. Senator: You should take this seriously.

Senator Eggleton: Honourable senators, what the leader just said has some consistency as to what was done in 2007 with the Wage Earner Protection Program Act. In that act, the government moved wages up into a super-priority category. Why can the government not do something for these people?

The leader says she is looking at it. This bill was presented on March 25. I saw Minister Clement at around that time, and he said his department would work on it. Here we are towards the end of the year, when time is running out for these people, when

the current court arrangement will go into effect at the end of the year and these people will be cut off. Why is something not done in a timely fashion to be able to deal with these sick and disabled people?

Senator Harb: Show some compassion.

Senator LeBreton: I thank the honourable senator for that question. My colleague Senator Greene yesterday put the situation on the record. I urge honourable senators to read his speech, particularly on page 1531 where he discusses “retroactive” and “retrospective” law.

Honourable senators, no one who knows these individuals who are affected by the bankruptcy of Nortel gets any joy out of this. As I pointed out yesterday, I do not recall anyone from the previous government stepping in and doing anything for these individuals who were affected by the bankruptcy of Nortel when all of this was happening.

Senator Tkachuk: You did not get it done.

Senator Mercer: After six years, are you not responsible for something? Shame on you. Shame on you.

Senator LeBreton: Actually, Senator Mercer, yelling at the top of your lungs will not help these individuals.

Senator Mercer: That was not the top of my lungs. Stick around.

Senator LeBreton: We have something to look forward to, do we?

Senator Mercer: Do not challenge me.

Senator LeBreton: The government, in a commitment in the Speech from the Throne in this very chamber, acknowledged the seriousness of this situation, and we are seeking solutions —

Senator Harb: You are doing nothing.

Senator Tkachuk: How do you know?

Senator LeBreton: — to assist those individuals who happened to work for a company that goes bankrupt who are on long-term disability.

Senator Harb: No compassion.

CANADIAN HERITAGE

CBC/RADIO-CANADA

Hon. Marie-P. Poulin: Honourable senators, my question is to the Leader of the Government in the Senate. On November 23, the Parliamentary Secretary to the Minister of Canadian Heritage raised the spectre of the government killing off our public broadcaster, CBC/Radio-Canada. At a meeting of the Standing Committee on Canadian Heritage in the other place, he publicly suggested that the parliamentary allocation to CBC/Radio-Canada should be diverted instead into production of content only.

Will the Leader of the Government in the Senate assure Canadians that the government has no intention of getting out of the public broadcasting business and that it fully supports public broadcasting?

Hon. Marjory LeBreton (Leader of the Government): The honourable senator would know this better than I because she was with the CBC. The CBC is receiving \$1.1 billion of taxpayers' money this year, the highest amount of funding ever given to the CBC.

Senator Harb: Money well spent.

Senator Tkachuk: There you go — action, not words.

Senator LeBreton: We look forward to working with the CBC in carrying out its mandate. The honourable senator may not want to acknowledge this because of her connections with the CBC, but it was her government that cut \$414 million from the CBC.

Senator Comeau: Shame. From your friends.

Senator Poulin: I have a supplementary question. This year, the CBC is celebrating the seventy-fifth anniversary of its official founding under the Canadian Broadcasting Act. A pall has been cast over this occasion — the spectre of getting out of public broadcasting. Is this what Canadians can look forward to?

Honourable senators, I agree that the investment of \$1.1 billion in the unique — and I do repeat, madam leader — the unique link that connects Canadians from coast to coast to coast through its radio networks, its television networks, its Internet services in both official languages, eight Aboriginal languages and closed captioning for people who are deaf and hard of hearing. We have always agreed that this was an essential service to Canadians across the land.

• (1410)

Is the intention of the government to support the public broadcaster or not?

Senator LeBreton: Today would have been a good time for television to be in the Senate, because that question would have been the perfect advertisement for the CBC.

Senator Tkachuk: Exactly.

Senator LeBreton: In any event, as I have said to Senator Poulin before, CBC received \$1.1 billion of taxpayers' money this year. Senator Poulin talked about the importance of the CBC and the links from coast to coast to coast, as she said, so I will ask her, if it were the other way around, why then did her government cut \$414 million from the CBC?

Senator Tkachuk: Exactly. She was probably on the board then. Was she on the board then?

Senator Poulin: We are looking and moving forward. Our world is becoming more complex, and I ask the leader, simply and

directly, a clear question: Will the government support the public broadcaster in its mandate?

Senator Mercer: Yes or no?

Senator LeBreton: I think \$1.1 billion is a good indication of the government's support.

Senator Tkachuk: It is more than her government ever gave. They had 13 years.

[Translation]

NATIONAL DEFENCE

SURVIVING FAMILIES OF DECEASED SOLDIERS

Hon. Lucie Pépin: Honourable senators, Canadian Forces ombudsman Pierre Daigle says that he is frustrated with the manner in which the Canadian Forces treat the families of fallen soldiers. Since 2005, he has been deploring the fact that grieving families do not receive enough support and information.

The Department of National Defence has been informed of this several times, but the problem has yet to be resolved. Could the leader tell us why the families of fallen soldiers have to wait for years to find out more about the death of their loved ones? Do they really have to fight to get this information?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that serious question. It deserves a serious answer. Of course we are well aware of the ombudsman's report about the deaths of these Canadian soldiers, going back to 2003, now almost eight years ago.

The ombudsman gave his report, and Minister MacKay indicated that the government will do everything possible to provide Canadian Forces families with the support and information they need with regard to the death of their loved ones.

Minister MacKay designated an official, Colonel Blais, who was put on each and every file specifically. Colonel Blais contacted and spoke to each of the families that had raised concerns.

[Translation]

Senator Pépin: Honourable senators, I would like to accept the leader's response, but these families deserve concrete action. The ombudsman proposed that families sit on the boards of inquiry into the death of soldiers. He even suggested a national policy to support the families of fallen soldiers.

These concrete actions would cost absolutely nothing, so then why is the government taking so long to review the recommendations for helping military families better understand and accept the death of their loved ones?

[English]

Senator LeBreton: Minister MacKay responded directly to the ombudsman on December 2. I do not have full details of what was in the letter, but Minister MacKay indicated that he has directed officials of the Department of National Defence to ensure that all outstanding matters pertaining to the issues of these families be resolved as quickly as possible.

With regard to the specific recommendation about families sitting on the oversight boards, I will be happy, honourable senators, to take that question as notice and seek further information from the Department of National Defence and the minister.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of members of the Saudi-Canadian Parliamentary Friendship Committee of the Majlis Ash Shura (Consultative Council) of the Kingdom of Saudi Arabia.

Numbering in the membership is Dr. Tarek Ali Hasan Fadaak, Chief of the Delegation; Dr. Abdullah A.H. Al Abdulkader, who is also Chair of the Committee on Financial Affairs; Dr. Abdullah Y. Bokhari; engineer Mohammed H.A. Al Nagadi; and Dr. Mazen Fuad M. Al Khayatt.

They are accompanied by the distinguished Ambassador of Saudi Arabia. As you can see, honourable senators, our distinguished visitors have braved the Canadian winter to come here from their warm climate.

My colleagues and I wish to extend to our distinguished colleagues from Saudi Arabia a warm welcome. On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear.

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. Wilfred P. Moore: Honourable senators, my question is for the Leader of the Government in the Senate. According to the documents in the Pentagon, the United States Department of Defence estimates that the Canadian share of industrial spin-offs from the F-35 fighter jet purchase to be about \$3.9 billion. Meanwhile, the Conservative government maintains that \$12 billion will be awarded to Canada. Can the leader account for this discrepancy?

Hon. Marjory LeBreton (Leader of the Government): I think, honourable senators, the \$12 billion figure was given as evidence before a committee in the other place, and it was the industry talking about the direct benefits to Canada and what it would mean not only for the aircraft that we are purchasing, but, because we are in on the ground level. Thanks to the decision of the previous government to commit Canada to this program, the

spin-offs and the accessibility for Canadian industries would apply not only to the planes we have in Canada, but to the worldwide manufacture of the aircraft.

It is beyond me, honourable senators, why anyone would not be in favour of this project, which is so vital not only to our Armed Forces but to our industries, especially our aerospace industries in Quebec, Nova Scotia and New Brunswick.

Senator Moore: I ask the leader to table in the Senate the documents on which the government bases its estimates of the industrial regional spin-offs from the F-35 fighter project.

The United Kingdom has reduced its order from 138 airplanes to 50, and likely in the latest discussion, to 40 units. That number is 25 less than what Canada has committed to purchase, and yet it is already receiving more industrial spin-offs than Canada.

I have not seen, and maybe I missed it, any evidence that the government has attempted to leverage a lower price per jet or guaranteed benefits for industry. The price of the jets has risen from \$50 million per unit to \$112 million. Today in the paper, the figure is \$150 million.

The numbers are jumping dramatically. I do not know if the leader provided for a doubling of the cost in her budgeting. I do not know where that cost is, but I want to know how the leader can justify such a lopsided deal for Canadians.

Senator LeBreton: I think the lopsided deal for Canadians is the 80,000 jobs in our aerospace industry.

Senator Moore: The leader will have to do better than that. She is talking about driving the deficit even higher. Assuming that she provided for the \$50 million per unit, now we are into \$112 million, maybe \$150 million, so who is doing the adding and subtracting here?

Senator Mercer: The plane does not even work.

Senator LeBreton: It is clear, if one goes back to the beginning of this project, when the decision was made, that Canada was to be part of the competitive process to acquire a new aircraft when the use of the CF-18s came to an end.

• (1420)

This process that the previous government conducted was a good one. This process was competitive in that other aircraft companies expressed an interest. The only company that could build this aircraft, as decided by the previous government, was Lockheed Martin.

I watched the testimony in the other place and listened to people who work in the aerospace industry, whether in and around the Montreal area or in Winnipeg. I heard a witness answer a question from Dominic LeBlanc, who was also questioning this aircraft. The answer was that a company in his own riding was already involved in providing parts for this aircraft.

I can indicate to Senator Moore only that I will be happy to refer his question to the Department of National Defence and ask them to provide all the information they have and which they are

able to reveal, to list for the honourable senator all the benefits of this project, including the 80,000 workers. The bases for these aircraft will be in Bagotville, Quebec; and Cold Lake, Alberta.

Senator Moore: Has the Conservative government considered the recent arrangement or alliance with Great Britain and France with respect to defence spending? Everyone in the Western world seems to be having economic problems, including those two countries, and including Canada.

The only justification for these aircraft that I have heard is to defend the North. I have visited the U.S. base at Anchorage, Alaska, where they have F-18s and F-22s. There are 20-some Canadian officers embedded there, working in command positions.

Why are we endeavouring to take on more than we can handle financially? We have an opportunity to work jointly. We are working jointly now with personnel. The Americans are now purchasing more F-18s, the Super Hornets, and, at \$35 million a unit, these aircraft can do the exact same job.

Who are we fighting? What do we need these aircraft for? We can do other things. We can work with other people. We can acquire another aircraft to do the exact same job.

Senator LeBreton: If that is not a typical Liberal defence policy strategy, I do not know what is. The government made this decision based on many years, going back to the previous government's recommendations. This purchase is a good policy. This purchase is the best aircraft. This purchase will provide jobs for an estimated 80,000 aerospace workers. It will benefit the whole country, including engine aircraft builders. This purchase is good policy and it is good for the country. Why anyone would want us to withdraw from the world, basically — because we are part of a worldwide program here — and not have our capable aerospace industries competing with the best is beyond me.

[Translation]

CIVILIAN PERSONNEL IN AFGHANISTAN

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate.

Canada currently employs about six Canadians of Afghan origin who help our military personnel both culturally and operationally in Afghanistan and who explain how the Afghan government works. These employees have been in their positions for three years. We have just learned that they will be dismissed for the simple reason that if someone is employed for more than three years, he or she must become a permanent member of the public service, thus for an indeterminate period.

There are still 2,600 soldiers in Afghanistan, and our operations have not yet concluded. These employees will lose their jobs next month because a regulation has not been changed, even though we are fighting in a war overseas. The public service decided not to change that regulation, even though these employees are just as

essential as our Leopard tanks and Cougar armoured vehicles and all other military equipment. Can the Leader of the Government give us a positive response regarding changing that regulation?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I could not help but notice the honourable senator's opening remarks. He obviously does not agree with the question of his colleague. I happen to know that the honourable senator is publicly on record as supporting the purchase of the F-35s.

With regard to the people working in Afghanistan, I read an article the other day about the concerns vis-à-vis these individuals. I will find out what the policy is and respond to the honourable senator as quickly as possible.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, when we proceed to Orders of the Day, under Government Business, I would ask that Motion No. 29 be called first.

[English]

POINT OF ORDER

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, since I am on my feet, I would like to raise a point of order. While listening to Senators' Statements today, I heard Senator Tardif, the Deputy Leader of the Opposition, raise the issue of the Nortel long-term disability workers. Rule 22(4) of the *Rules of the Senate of Canada* says that Senators' Statements are reserved for items that:

... need to be brought to the urgent attention of the Senate. . . . and for which the rules and practices of the Senate provide no immediate means of bringing the matters to the attention of the Senate.

The rule further states that:

... a Senator shall not anticipate consideration of any Order of the Day. . . .

We do have before the Senate the Nortel long-term disability issue, and we will vote on this matter later today. I do not raise this point of order because I wish to nitpick. That is not the case at all.

Senator Mercer: Oh, no, not you.

Senator Di Nino: Why don't you listen with a little respect sometime?

Senator Comeau: The two sides have discussed this issue on a number of occasions and we agreed that we would monitor our side. Once in a while this may happen, but we monitor our side. We ask senators to stay away from matters that are a subject matter under consideration in the Senate under Orders of the Day. I presumed the other side was monitoring this situation, but now I am starting to question — since the Deputy Leader of the Opposition raised this subject — how seriously they take this matter.

I raise this issue as a point of order. I think I am right on this point, that items that are before the Senate should not be introduced under Senators' Statements.

Hon. Sharon Carstairs: Honourable senators, it is interesting that this particular point is raised today. I listened carefully to the Honourable Senator Tardif's comments. She was speaking almost entirely about retired persons. That has never been the subject of the debate that is before this house. That is another issue in its entirety.

• (1430)

The other thing that I find interesting is that the purpose of that rule, I would suggest, is that it should not anticipate debate. Debate cannot be anticipated on this particular issue today, because it is a deferred vote. There will be no discussion of this issue today. There will only be a vote on this issue today.

Some Hon. Senators: Hear, hear.

Hon. Joan Fraser: I think Senator Carstairs is entirely right, Your Honour. I would add to her observation that I also listened carefully to Senator Tardif's statement. The point of her statement, which was contained in her last line, was that it is time for the government to act on this matter. The report killing the bill, on which we shall vote later today, is not a call for government policy; it is a call for change in legislation.

Senator Comeau: I have just one final point. If, in fact, Senator Tardif was not in any way referring to the issue of the disability, LTD — that is, if it is an issue of retirement, which is a different issue — then I would withdraw my point of order. However, Senator Carstairs and I may not recall exactly what Senator Tardif did say. We might ask His Honour to refer to the statements that were made today in Hansard and come back with a response.

I am more than willing, if in fact I erred, to withdraw my point of order.

The Hon. the Speaker: Honourable senators, I should like to deal with this matter now.

I want to begin by thanking Senator Comeau for raising the matter because I had intended to rise, under rule 18, to express certain disquiet from the chair on both Senators' Statements and

Question Period. The rule on Senators' Statements that we all understand is clear. We cannot anticipate items that are on the Order Paper. Sometimes statements are made that cannot help but come close to the line. I think there is enough generosity in the chamber to recognize that.

However, equally, during Question Period, while we do not have an equivalent to rule 22(4) which as Senator Comeau cited does not allow us to anticipate items on the Order Paper, we ought not to be raising questions around items that are on the Orders of the Day.

I would like to recall, from the parliamentary procedural literature, paragraph 410 in Beauchesne's 6th Edition, at page 122, dealing with "Oral Questions." Item 14 states:

(14) Questions should not anticipate an Order of the Day although this does not apply to the budget process.

As all honourable senators know, there have been a number of questions in the past little while that did deal with bills or other items on the Orders of the Day. I simply wish to conclude by saying that I invite all honourable senators to be careful about the statements and to give some reflection to what the procedural literature suggests. Whether or not this is something that the Rules Committee might want to look into and specify in the rules will be a judgment that the committee can make.

THE SENATE

MOTION TO SUSPEND THURSDAY'S SITTING ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 7, 2010, moved:

That, on Thursday, December 9, 2010:

- (a) if the Senate is sitting at 3:45 p.m. it shall suspend and resume no later than 5 p.m., after a fifteen minute bell;
- (b) if a standing vote on a debatable motion is requested before 3:45 p.m. and cannot be completed before that time, it shall be deferred until after the sitting resumes in accordance with paragraph (a) and the bells for the vote shall start ringing only after the sitting resumes, with the vote to take place fifteen minutes later;
- (c) if a standing vote on any other motion is requested before 3:45 p.m. and cannot be completed before that time, the sitting shall be suspended until the time provided for in paragraph (a), and the bells for the vote shall ring in accordance with the provisions of paragraph (b); and
- (d) the application of rule 13(1) shall be suspended, and the sitting shall continue past 6 p.m. if required.

(Motion agreed to.)

GENDER EQUITY IN INDIAN REGISTRATION BILL

THIRD READING—DEBATE ADJOURNED

Hon. Patrick Brazeau moved third reading of Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada* (*Registrar of Indian and Northern Affairs*).

He said: Honourable senators, I am pleased to stand before you today to reiterate and affirm my support for Bill C-3, the proposed Gender Equity in Indian Registration Act.

First, I want to thank you, honourable senators, for your serious consideration of this legislation. Your careful deliberation has been very valuable in affirming the bill before us today. Equally encouraging, your prompt attention to this bill acknowledges that time is of the essence and that Bill C-3 is an appropriate response to the court's ruling that it addresses.

[Translation]

The honourable senators who sit on the Standing Senate Committee on Human Rights had the opportunity to listen to the testimony of the Minister of Indian and Northern Affairs, Sharon McIvor, representatives of aboriginal organizations, the Canadian Bar Association and other witnesses.

Their testimony and submissions provided a very interesting perspective on the repercussions of this bill and highlight the importance of continuing with discussions about the provisions of the Indian Act pertaining to Indian registration and other related matters.

[English]

As honourable senators know, Bill C-3 proposes to amend the Indian Act and eliminate a cause of gender discrimination that has had a negative impact on First Nations for far too long.

The proposed legislation now before us responds directly to a decision rendered by the Court of Appeal for British Columbia that two paragraphs in section 6 of the Indian Act are contrary to the Canadian Charter of Rights and Freedoms.

In order to allow Parliament time to take action to resolve this issue, the court suspended the effects of its decision until April 6 of this year, and explicitly called on Parliament to enact an effective legislative solution.

Even though the Court of Appeal responded favourably to both of the government's requests for extensions, first until July 5, 2010, and more recently until January 31, 2011, I believe all honourable senators recognize the importance of resolving this issue as quickly as possible.

[Translation]

The court indicated that the issue was to be settled without any further delays. I am therefore pleased that honourable senators have been so diligent in studying this bill in order to meet the latest deadline set by the court.

[English]

We are all aware that if no solution is in place by January 31 of next year, paragraphs 6(1)(a) and 6(1)(c) of the Indian Act dealing with an individual's entitlement to registration for Indian status will, for all intents and purposes, cease to exist in the province of British Columbia. This would create uncertainty. Most importantly, this legislative gap would prevent the registration of individuals associated with British Columbia bands.

Let me explain how the proposed amendments would affect the rules that determine entitlement to Indian status in Canada.

Essentially, Sharon McIvor, the plaintiff in the original case, alleged that the 1985 amendments to the registration provisions of the Indian Act, still referred to as Bill C-31, constitute gender discrimination as defined in the Canadian Charter of Rights and Freedoms.

[Translation]

Ms. McIvor, a married Indian woman, had a child with a non-Indian. Her son married and had children with a non-Indian. Under the Indian Act, however, these children — Ms. McIvor's grandchildren — are not entitled to Indian status.

• (1440)

Part of the problem stems from amendments to the Indian Act that were included in Bill C-31 and came into effect in 1985.

[English]

These amendments tried to end the discrimination experienced by specific groups. In its decision, the Court of Appeal for British Columbia stated that Bill C-31 “represents a bona fide attempt to eliminate discrimination on the basis of sex.” However, the approach adopted in Bill C-31 inadvertently introduced a new level of complexity.

The legislation now before us proposes to change the provision used to confer Indian status on the children of women such as Ms. McIvor. Instead of proposed subsection 6(2), these children would acquire status through proposed subsection 6(1). This would eliminate the gender-based discrimination identified by the Court of Appeal for British Columbia.

Honourable senators, we must not lose sight of the fact that the Court of Appeal for British Columbia has identified a source of injustice and called on Parliament to rectify it. Bill C-3 is a direct and tightly focussed response to the court's ruling.

As the Standing Senate Committee on Human Rights heard, once enacted, Bill C-3 will eliminate a cause of unjust discrimination and ensure that Canada's legal system continues to evolve alongside the needs of Aboriginal peoples.

Bill C-3 complements the collaborative approach adopted by the Government of Canada on many issues that affect the lives of Aboriginal peoples.

[Translation]

The bill, as well as the exploratory process that will continue the dialogue on other issues, strengthens the bond between Canada and its aboriginal peoples. As we proceed with the last stage of the process to pass Bill C-3, the government is also preparing to embark on the exploratory process on Indian registration, band membership and citizenship. The passing of Bill C-3 will mark the official start of the exploratory process.

[English]

The exploratory process is an Aboriginal-led initiative that is meant to examine and discuss the broader issues relating to Indian registration, band membership and citizenship that go beyond the scope of the Bill C-3 amendments.

During the process, there will be support provided to national First Nations and other Aboriginal organizations, as well as to First Nations treaty and regional organizations that wish to lead activities under the process on behalf of their membership or constituencies.

The exploratory process, itself is designed to be inclusive by encouraging the participation in activities of First Nations, Metis and other Aboriginal groups, and organizations and individuals at the national, regional and local community levels.

[Translation]

The government recognizes the importance, to the First Nations and other aboriginal groups, of the issues to be examined and discussed in the exploratory process. The government hopes that the dialogue will be productive and enable it to collect the information required to proceed with the next steps to resolve these complex issues.

[English]

Today, we have an opportunity to demonstrate our commitment to upholding our parliamentary responsibility to address a cause of gender discrimination that the Court of Appeal for British Columbia has identified as unconstitutional.

I would like to take this time to thank and commend Ms. Sharon McIvor for her patience, her hard work, her endeavours and her principles to leading to potentially over 45,000 Aboriginal people to regain what was lost from them — their Indian identity.

Honourable senators, I urge you all to join me in supporting the timely passage of Bill C-3.

The Hon. the Speaker pro tempore: Is Senator Brazeau prepared to take a question?

Senator Brazeau: Yes.

Hon. Mobina S. B. Jaffer: Honourable senators, I would like to commend the Honourable Senator Brazeau for his leadership on these matters. As he commented, it has taken Sharon McIvor 20 years to have this bill come here today.

Would Senator Brazeau agree with me that even after this bill is passed, there will still be sex discrimination for Aboriginal women?

Senator Brazeau: I thank Senator Jaffer for her question. Absolutely, this bill does not get rid of all the gender inequities in the Indian Act; in the same vein that the 1985 amendments did not eradicate them, even though some at the time may have thought they did so.

That is why it is important that the Government of Canada fund Aboriginal organizations and communities to create this exploratory process so that First Nations communities can start talking about citizenship, band membership and the registration under the Indian Act, which is a really important process and the first time it has ever been done and announced by any government.

I can say with certainty that many groups, even though some may be critical of this bill, are looking forward to the exploratory process because it has been a long time coming.

Senator Jaffer: From Ms. McIvor's testimony, I understood that even if this chamber passes Bill C-3, her brother gets status under 6(1) and she is still discriminated against. She gets status under proposed section 6(2), so she still does not have equal status even after this bill has been passed; is that correct?

Senator Brazeau: In answer to the question, I am not quite sure what will happen to Ms. McIvor's brother in terms of his status. As far as I understand, I was under the impression that he already had 6(1), unless I am mistaken, but this bill will rectify the gender discrimination for grandmothers who lost status because of marriage. Those grandmothers and the children will be eligible to apply for status.

We must not lose sight that this bill specifically responds to the decision of the B.C. Court of Appeal, which, whether people agree with it or not, was narrower than the B.C. Supreme Court decision. We must not lose sight of the fact that the government is responding to that specific court decision.

Senator Jaffer: I understand, and the minister made it very clear that they were responding to the Court of Appeal, and I believe that universal rights in our country should apply to all women. Even after this bill goes through, Aboriginal women will still be discriminated against. Why would the government not have corrected this situation and given equal rights to all Aboriginal women at this time?

Senator Brazeau: Honourable senators, the answer to Senator Jaffer's question is simple. As a former national leader of an Aboriginal organization, I always said that it should be First Nations people themselves who decide on who shall be members of their own communities and their own First Nations. Having said that, again, the government did respond to the Court of Appeal decision, and this is why we are going to be conducting the exploratory process so that hopefully — and I say “hopefully” — we will get out of the Indian Act and First Nations peoples will be able to determine the citizens of their nations.

Hypothetically — and I hate to deal in hypotheticals — if the government had responded to a more broad definition under the Indian Act, that may still not have pleased Aboriginal groups

[Senator Brazeau]

because, again, we would have remained under the purview of a federal Minister of Indian affairs deciding who is a First Nations person and who is not.

Hon. Sandra Lovelace Nicholas: Honourable senators, I want to thank Todd Russell for his work as critic on Bill C-3, and also the witnesses who appeared before the Human Rights Committee on Monday, December 5, in particular Sharon McIvor, who has worked tirelessly to bring justice to Aboriginal women.

I said in my speech at second reading that I support this bill in principle, but it does not go far enough to accommodate Aboriginal women and their descendants. The injustice to the standing of women in their communities has been intolerable. The bill is unfair to the next generations, as it has been under Bill C-31, which was passed in June 1985.

• (1450)

It is 25 years since Bill C-31 was passed, and we have another “take it or leave it” bill from the government with no amendments. Bill C-3 does not address all aspects of gender discrimination. It is unjust and irresponsible, and it is a bandage solution to an old existing problem for Aboriginal women in Canada. It will create dissension and chaos in our communities.

The problem will not go away. It will cause inevitable consequences for the next generation and for the government.

Honourable senators, if Bill C-3 is passed, then Sharon McIvor will be forced to walk down the same long and lonely path that I once travelled. Sharon McIvor said at the Standing Senate Committee on Human Rights on Monday: “The bill . . . is a piece of garbage.”

As an Aboriginal woman, I experienced the injustice of living in my own community without full recognition of my status, which is my birthright.

Under the Canadian Charter of Rights and Freedoms, Canada recognizes human rights for its people in all walks of life and even for our new immigrants from around the world. Canada is a country that ensures that the rights of a woman are equal to those of a man. However, where is the equality and justice for Canada’s First People, Aboriginal women?

Honourable senators, I apologize to my people and their descendants that the Government of Canada will let Bill C-3 pass without amendments. As far as I can remember, honourable senators, all Aboriginal women and their issues are always at the bottom of the totem pole.

(On motion of Senator Jaffer, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—AMENDMENTS FROM COMMONS— DEBATE ADJOURNED

The Senate proceeded to consideration of the amendments by the House of Commons to Bill S-215, An Act to amend the Criminal Code (suicide bombings):

1. *Page 1, clause 1:* Replace line 7 in the French version with the following:

“(1.2) Il est entendu que l’attentat suicide à la bombe”

2. *Page 1, title:* Replace the long title in the French version with the following:

“Loi modifiant le Code criminel (attentats suicides à la bombe)”.

Hon. Linda Frum moved that the Senate concur in the amendments made by the House of Commons to Bill S-215, An Act to amend the Criminal Code (suicide bombings); and that a message be sent to the House of Commons to acquaint that House accordingly.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

On debate.

Hon. Sharon Carstairs: Honourable senators, I have a question for Senator Frum.

The Hon. the Speaker *pro tempore*: Will the Honourable Senator Frum take a question?

Senator Frum: Yes.

Senator Carstairs: In my quick reading of the amendments, it seems that the amendments only bring the French and English versions into line. Is that how the honourable senator understands the amendments?

Senator Frum: That is exactly correct.

Hon. Art Eggleton: Honourable senators, I want to indicate my support of Senator Frum’s motion. This matter has been before this chamber for a long time. As well, this bill has spent time in the other place and has been returned to the Senate with these simple amendments because the French word for “bombing” was determined in the house to be incorrect. They made that minor change. This bill, now sponsored by Senator Frum and previously sponsored by Senator Grafstein, has had many numbers and has been before the Senate many times in the past. Bill S-215 will give greater certainty to the law in dealing with the question of suicide bombing and, in particular, in dealing with those who help to perpetuate such acts through financing, organizing and teaching others how to commit these terrible acts against humanity. It is time to finalize the matter and pass Bill S-215 into law.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I know that there is general support for this bill, but I would like a final chance to review it; therefore, I move the adjournment in my name.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Tardif, debate adjourned.)

[Translation]

REORGANIZATION AND PRIVATIZATION OF ATOMIC ENERGY OF CANADA LIMITED BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-225, An Act respecting the reorganization and privatization of Atomic Energy of Canada Limited.

Hon. Céline Hervieux-Payette: Honourable senators, at a previous sitting, to my great surprise, the Conservatives were so interested in this that I have only two minutes left to answer questions.

I appreciated the questions. I can say that so far I have had very positive responses from the financial community and Atomic Energy of Canada Limited in particular.

Do honourable senators want to move adjournment or would they rather continue debating the bill?

(On motion of Senator Comeau, debate adjourned.)

• (1500)

[English]

NATIONAL VOLUNTEER EMERGENCY RESPONSE SERVICE BILL

SECOND READING—DEBATE ADJOURNED

Hon. Mac Harb moved second reading of Bill S-224, An Act to establish a national volunteer emergency response service.

He said: Honourable senators, I am pleased to rise today to discuss Bill S-224, An Act to establish a national volunteer emergency response service. Around the world, we have witnessed disasters, from 9/11 and Hurricane Katrina to the Indonesian tsunami and the earthquake in Haiti — disasters in which too many citizens have been overwhelmed due to inadequate preparation and response. Here at home, we do not have to look far to find examples of devastating incidents involving floods, epidemics, forest fires, hurricanes, power blackouts and ice storms.

I have read that the only difference between an emergency and a disaster is preparedness. It begs the question: Is Canada prepared?

An American psychologist wrote an article in the *Ventura County Star* in 2008 which states:

Whether disasters come from Mother Nature or a terrorist attack, major disasters occur. Hurricane Katrina dashed all illusions that the cavalry will quickly show up to save the day. . . . in an overwhelming disaster, the public must become part of the solution . . .

This quote, honourable senators, may sound familiar. It appeared in a report adopted without division and tabled in 2008 by our own Standing Senate Committee on National Security and Defence. The report was entitled: *Emergency Preparedness in Canada*. It was a follow-up to a 2004 report addressing issues arising from 9/11.

I would like to commend the members of that committee: Senators Kenny, Tkachuk, Banks, Day, Mitchell, Meighen, Moore, Nancy Ruth and Zimmer.

After hearing from more than 110 witnesses over a seven-year period, this committee did a superb job of producing a report that not only highlighted areas where government at every level were unprepared in the event of an emergency, but it also drew attention to the important role of volunteers in the event of a crisis. In the report, the committee noted the tremendous community response to the wildfires in San Diego, California, in 2007. Allow me to quote from their observations:

Thousands of volunteers worked tirelessly to support public officials and non-governmental agencies in assisting people threatened by the wildfires. . . .

Gov. Arnold Schwarzenegger was so impressed with the commitment and compassion shown by volunteer[s] . . . that he has directed aides to initiate plans to help improve emergency assistance programs across the state. . . .

Later, volunteer agencies pointed out that the government could encourage even more voluntary help if there were an identification system for volunteers (showing they had the skills needed to assist in dangerous situations. . . .

Voluntary help would be enhanced if there were better insurance programs for volunteer groups so people wouldn't worry about stepping in to help. Another aid would be having coordination templates in place to assure volunteers are dispatched in a way that ensures they help, rather than hinder.

The report concluded that "An alert and prepared citizenry is going to have to be part of Canada's capacity to respond." However, the report asked an important question: Would people in the average Canadian community be able to respond as well as these volunteers in San Diego?

In testimony to the Senate committee, Tom Sampson, who was Chief of Emergency Medical Services for the City of Calgary at the time, said:

When we met recently with the federal government around pandemic preparation, their response was, "YOYO 24." I do not know whether you have heard that one before, but it means: "You're on your own for the first 24 hours."

He went on to say:

We have looked at the federal government preparedness capacity, and we think it is YOYO 7 days.

That means that you are on your own for seven days.

Can Canada learn from the lessons of California, a state that is leading the way in citizen volunteer emergency response measures? Are there measures the federal government could take to improve Canada's volunteer capacity? Given the research done by our own Senate committee and the findings included in their report, I believe that the simple answer is "yes." I also believe that this proposed legislation is the logical step to follow up on the excellent work done by our Senate committee.

My personal interest in this topic, honourable senators, arose after 9/11 when I was a member of the other house. I was approached by a concerned Canadian, Mr. Steve Lerner. Mr. Lerner has dedicated much of his life and time to a wide variety of community and charitable causes, from the fight against cancer to helping the YMCA. He is typical of the kind of Canadian who will step forward if given the opportunity to help out in a time of crisis.

After 9/11, Mr. Lerner drafted an impressive plan for a civil protection and participation service that would empower Canadians in the event of an emergency. His concept inspired an earlier version of this bill that I tabled in the other place. Unfortunately, it was interrupted prior to debate due to my appointment to this honourable chamber.

I am committed, honourable senators, to build upon Steve Lerner's initiative and to continue my efforts on his behalf. I therefore put before you today a bill to establish a national program that would allow individual Canadians to add their efforts to the emergency response capacity in our country.

Fundamentally, Bill S-224 will establish a dynamic link between professional emergency responders and Canadians who would like to volunteer in an emergency situation. This bill will increase surge capacity by improving the way emergency management offices and professional responders manage and utilize both trained and spontaneous volunteers prior to, during and following an emergency or disaster. It would also empower individuals and strengthen Canada's civil society.

Let us look at the current situation, honourable senators. Echoing our own Standing Senate Committee on National Security and Defence report, an October 2010 internal government audit revealed that the Public Health Agency of Canada is not adequately prepared to handle emergencies such as natural disasters, pandemics or terrorist attacks.

Even as government agencies work hard to improve capacity, it is apparent that Canadians will have to step up in the event of a crisis. The government is warning Canadians that they need to be better prepared for being on their own for at least 72 hours following a major crisis. Experts warn us that we may be on our own for even longer.

While some local and even provincial volunteer response teams are up and running, there is currently no legislation in place that could establish a truly national volunteer emergency response.

[Translation]

I would now like to speak about the purpose of the bill. A national volunteer service would add critical capacity to public agencies that are strained in times of crisis.

Canadians spontaneously volunteer to help one another, but adequate training and preparation would increase their effectiveness.

It is time to put a national structure in place that ensures that those who volunteer receive the necessary training to prevent, mitigate and respond to a disaster situation.

This trained body of Canadians could then direct the efforts of other spontaneous volunteers.

Volunteer resources are not currently integrated into emergency management plans. They are scattered throughout numerous different organizations and programs, and they vary depending on the mission. This bill could create a framework to help integrate volunteers into all levels of emergency management systems.

Some may ask why we need a national service. While catastrophes are generally local, the federal government ultimately has lead responsibility for emergency preparedness and management, in partnership with its provincial, territorial and municipal counterparts.

• (1510)

The service would be established at the federal level with infrastructure at the local, provincial and federal levels, so that the appropriate level of government would be able to call upon the appropriate chapters, depending on the nature of the catastrophe.

The creation of a national volunteer emergency response service would ensure consistent nation-wide standards of training, resources, communication and strategic planning.

[English]

The federal government also has a role to play in promoting and facilitating the capacity of the volunteer sector and encouraging a strong civil society. A national volunteer emergency response service offers citizens the opportunity to participate, to be involved and to be proactive.

We know that volunteerism is a positive force for responsible citizenship, quality services, healthy communities and civil societies. The promotion of volunteerism and citizens' engagement in civil society falls under the federal government's jurisdiction and mandate.

I think it was said best in a phrase used by Steve Lerner, the constituent I mentioned a little earlier. Mr. Lerner felt that mobilizing willing volunteers would turn "impotence into pro-action, anxiety into self-confidence." That was well said.

George Haddow, an American professor who is the former Deputy Chief of Staff with the United States Federal Emergency Management Agency, FEMA, was quoted in a report prepared by the Canadian Centre for Emergency Preparedness. I think his words are worth repeating as well:

... there is a need for the government to do more to get the public to take action ... People need more than information; they need to be part of a community-wide effort to make their homes and neighbourhoods safer.

I know honourable senators are aware of the importance of volunteerism and the need for the government to promote the capacity of the volunteer sector.

Honourable Senator Mercer quoted interesting statistics in April 2009 when he called on the government to establish a Senate committee or expert panel to look at the challenges of recruiting and training volunteers. At that time, Senator Mercer pointed out that 12 million Canadians contribute almost 2 billion hours of their time in volunteering each year. However, over three quarters of the time is attributed to only 11 per cent of Canadians.

Honourable senators, the 2010 Throne Speech included a commitment to create the Prime Minister's award for volunteering to foster volunteerism in this country. I believe a national volunteer emergency response service will not only motivate more Canadians to offer their time and service for emergencies but that this service will have spin-off benefits by fostering involvement in other volunteer sectors as well.

[Translation]

It is important to note that the national volunteer emergency response service would be an organization of Canadian volunteers working with the appropriate organizations and existing emergency services for training and service. Reallocation of existing resources could cover much of the costs.

Donations from volunteer, non-profit organizations as well as philanthropic organizations could help cover some costs, such as those of the national office of the Commissioner of the NVERS.

[English]

I emphasize that the use of a volunteer service to augment first responders in a crisis is cost-effective. For example, the Ontario Volunteer Emergency Response Team operating in the Toronto area has 100 volunteers who spend an estimated 12,000 person-hours per year on operations and training. To have a similar standing, trained and paid force with the police or fire service would cost hundreds of thousands of dollars or more, even though the team may be called out only a few times in a year.

By encouraging and linking emergency response volunteers into our emergency preparedness strategies, we can bump up capacity cost-effectively when it is needed most and, in the meantime, facilitate the training and civic participation of more and more Canadians.

There are examples of other national volunteer services. In the United States, for example, they have accomplished a great deal with the nation-wide Community Emergency Response Team program, most notably in California. In Sweden, they have the Swedish Civil Defence League. In the Middle East, the United Arab Emirates have Sanid, a program which is an excellent example of what can be accomplished by leveraging the efforts of trained and spontaneous volunteers.

Canada's broad network of search and rescue organizations, many of which are already developing capabilities to assist in the case of large-scale emergencies or disasters, along with groups

such as the Canadian Red Cross, St. John Ambulance, Canadian Administrators of Volunteer Resources, Volunteer Canada and Campus Emergency Response Teams will be vital partners and, ideally, beneficiaries of our efforts to increase citizen participation in emergency response efforts.

We do not need to reinvent the wheel, honourable senators. Much good work is being done. What is needed is a way to link these individuals with these existing voluntary resource organizations and professional first responders to ensure Canadians are prepared, so that those who want to help are identified, trained and able to contribute their time and skills when needs arise.

I have been in touch with key stakeholders in this area, and I know that much can be done to increase surge capacity by empowering individual Canadians, helping dedicated non-profit organizations and easing the pressures on our professional emergency teams when a crisis arises.

In conclusion, honourable senators, Canada has many giving, passionate and dedicated volunteers. We also have many other individuals who want to contribute. By putting a national volunteer emergency response service in place, we can mobilize and coordinate our volunteers, integrate them into our emergency management plans, and ensure that Canada is better prepared for any emergency or crisis that may arise.

Hon. Terry M. Mercer: I move the adjournment of the debate.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Hold on. It has been tradition in this place that when one side moves a bill, the other side takes the adjournment to allow 45 minutes for both sides. We did not object at all to Senator Harb using most of the time. A tradition on both sides has been that the other side takes the adjournment rather than the same side quickly jumping up to move the adjournment.

We have no objection at all if Senator Mercer wishes to speak to the bill at any time, provided we can take the adjournment on it.

I move the adjournment.

Senator Mercer: I moved the adjournment of the debate because I saw no one on the other side standing, and I did not want the debate to stop.

The Hon. the Speaker pro tempore: Are you prepared to withdraw your motion?

Senator Mercer: That is fine with me.

The Hon. the Speaker pro tempore: It has been moved by Honourable Senator Comeau, seconded by Honourable Senator Eaton, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Comeau, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Tommy Banks moved third reading of Bill C-464, An Act to amend the Criminal Code (justification for detention in custody).

He said: Honourable senators, Bill C-464 is a bill which, if we pass it into law, will call the attention of Crown prosecutors and judges to the question of determining whether judicial interim release ought to be granted with the likelihood of that having any effect on any children who might be affected by that release. The bill has been supported unequivocally by all members on all sides, and I look forward to the happy prospect of it being passed into law.

I have taken great pleasure, therefore, in moving its passage at third reading today, and I thank you.

• (1520)

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, on this side of the chamber, we support the bill. It is an excellent bill. A lot of work was done on it, and we would like to congratulate all those involved.

However, there are a few issues that we would like to examine more thoroughly. Therefore, I move adjournment of the debate.

(On motion of Senator Comeau, debate adjourned.)

[English]

CONTRABAND TOBACCO

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Segal calling the attention of the Senate to the seriousness of the problem posed by contraband tobacco in Canada, its connection with organized crime, international crime and terrorist financing, including the grave ramifications of the illegal sale of these products to young people, the detrimental effects on legitimate small business, the threat on the livelihoods of hardworking convenience store owners across Canada, and the ability of law enforcement agencies to combat those who are responsible for this illegal trade throughout Canada, and the advisability of a full-blown Senate committee inquiry into these matters.

Hon. Tommy Banks: Honourable senators, I undertake that I will speak to this tomorrow, given time. Therefore, I ask that the debate be adjourned in my name.

(On motion of Senator Banks, debate adjourned.)

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO STUDY PROVISIONS
AND OPERATION OF THE ACT TO AMEND
THE CRIMINAL CODE (PRODUCTION OF RECORDS
IN SEXUAL OFFENCE PROCEEDINGS)

Hon. Joan Fraser, pursuant to notice of December 7, 2010, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the provisions and operation of the *Act to amend the Criminal Code (production of records in sexual offence proceedings)*, S.C. 1997, c. 30; and

That the committee report to the Senate no later than June 30, 2011 and retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

She said: Honourable senators, I have just a couple of words of explanation. In case there is a little window of opportunity for the Standing Senate Committee on Legal and Constitutional Affairs before new bills are referred to it after we dispose of the bill now before us, the committee has approved that we try one more time to catch up on the long backlog of bills where statutory reviews are required but have not been conducted.

This particular statutory review is something like 10 years overdue. If there is time before bills reach the committee, the committee thought it would be a good idea to do said statutory review, with your approval.

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO DEPOSIT REPORT
ON STUDY OF PANDEMIC PREPAREDNESS
WITH CLERK DURING ADJOURNMENT
OF THE SENATE

Hon. Art Eggleton, pursuant to notice of December 7, 2010, moved:

That the Standing Senate Committee on Social Affairs, Science, and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its report on Canada's pandemic preparedness, by December 31, 2010, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

THE SENATE

MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— DEBATE ADJOURNED

Hon. Consiglio Di Nino, pursuant to notice of December 7, 2010, moved:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

He said: Honourable senators, this Friday, December 10, Liu Xiaobo will become the first Chinese citizen to win the Nobel Peace Prize, unless we include His Holiness, the Dalai Lama.

Mr. Liu is being awarded this prestigious award in recognition of his tireless efforts and personal sacrifices to advance the cause of human rights in China. Specifically, he is being recognized for his role in drafting what is known as “Charter 08.” The primary goal of Charter 08 was simply to remind the Chinese government of its domestic and international obligations to human rights for Chinese citizens, as explicitly stated in the Chinese constitution. In addition, the Charter pointed to the International Covenant on Civil and Political Rights, to which China is a signatory nation.

Let me quote for you Jean-François Julliard, who is the secretary-general of Reporters without Borders.

We think this prize is useful and will help those who are struggling to open up a democratic space in China. Twenty-three retired senior officials have signed an open letter calling for the implementation of the free speech and media freedom guarantees in article 35 of the Chinese constitution. That’s exactly what Liu is calling for!

Unfortunately, Mr. Liu will not be in Oslo to receive this well-deserved recognition, as he is currently in a jail cell with five other inmates somewhere in a remote part of China. This, despite the popularity of Charter 08 among the Chinese populace, having been signed by nearly 10,000 people and endorsed by prominent scholars, cultural figures and even politicians.

The reason that Liu Xiaobo is incarcerated is that the Chinese government sees him as a threat to their power and, as a result, in 2009 he was found guilty of “inciting subversion of state power.”

Honourable senators, the fact that Liu Xiaobo has been awarded the Nobel Peace Prize while in prison is significant for two reasons: first, he becomes the third person to receive such an award while in prison, joining Germany’s Carl von Ossietzky and

Myanmar’s Aung San Suu Kyi. Second, in awarding Liu Xiaobo the Nobel Peace Prize, the selection committee served as a stern rebuke to China and its oppressive policies on fundamental rights and freedoms.

What distinguishes Liu Xiaobo from others and makes him a true Nobel Peace Prize laureate is the fact that he does not hold his captors in ill regard. Even after his guilty verdict, Liu Xiaobo, in a statement released two days before his sentence, remained gracious and optimistic. He said:

I have no enemies and no hatred. None of the police who monitored, arrested, and interrogated me, none of the prosecutors who indicted me, and none of the judges who judged me are my enemies. While I’m unable to accept your surveillance, arrest, prosecution or sentencing, I respect your professions and personalities . . .

• (1530)

Let me now also quote Mr. Teng Biao, a lawyer and human rights activist who teaches law at the University of Law and Politics in Beijing:

Freedom of expression does not exist in China. Many journalists and writers are in prison . . .

Liu Xiaobo has nonetheless been fighting for peace, democracy and human rights. He has kept it up for 20 years. He enjoys a great deal of prestige among Chinese who aspire to democracy . . .

The Nobel Committee’s decision is going to accelerate the process of bringing peace to China. All of the Chinese who possess this intuitive awareness thank Liu Xiaobo from the bottom of their heart.

While the work of Mr. Liu must be praised and commended, China’s attempts to discredit and suppress his work and the Nobel Peace Prize award must be condemned. China has gone through great lengths to ensure that Liu Xiaobo does not receive the recognition he deserves. The Chinese government has attempted to discredit him. They have threatened to cut ties to Norway and have repeatedly stated that in awarding the Nobel Peace Prize to a convicted criminal, such as Liu Xiaobo, the award has now become, and I quote, “a farce.” Failing to gain any traction in the international community with this line of argument, the Chinese authorities have also censored all Internet searches of his name and blocked any media coverage of the award.

To top this all off, the authorities in China have placed his wife, Liu Xia, under house arrest and denied her permission to attend the ceremony in Oslo. In fact, the Chinese government has not only banned his family members but has additionally halted the travel of several well-known Chinese figures, for fear they may be “endangering national security,” by attending the awards ceremony.

All told, it has been reported by the Associated Press in a recent article that only 1 of about 140 Chinese activists who have been invited by Mr. Liu’s wife to attend the ceremony will actually be able to travel to Norway on Friday. This is a true shame and leaves China in a very bad light.

Honourable senators, supporters of Mr. Liu will not be the only ones conspicuously absent at Friday's award ceremony as China, using its size and economic clout, has threatened many nations with trade penalties if they choose to attend or criticize the Chinese government. It has even been reported by *The Times of India* that the Chinese foreign ministry has indicated to the Indian government that they expect 100 countries, including India, to be absent from Friday's ceremony. China has suggested to these 100 nations that failure to comply with China's demands would likely harm the bilateral relations of the two countries.

Through this example, it becomes obvious that China does not limit its dictatorial and oppressive behaviour to only its citizens, but rather attempts to extend it across the globe, threatening any nation that seeks to engage in dialogue or disagree with their policies. These bully tactics, for the most part, have worked on some smaller countries that are dependent on funding and trade with China.

Honourable senators, it is incumbent upon us to stand up for what is right, to stand up for people like Liu Xiaobo, whose only dream is to have the sort of freedoms that we take for granted every day. All peoples of the world deserve no less. For, as Kwame Appiah of the Laurance S. Rockefeller University, Director of the University Center for Human Values at Princeton University and President of PEN American Center, so eloquently stated in his nomination of Liu Xiaobo for the Nobel Peace Prize:

To fail to challenge the Chinese government on Liu Xiaobo's imprisonment is to concede this argument internationally, at enormous peril to peaceful advocates of progress and change not just in China but all around the world.

Therefore, it is vital that we, as Canadians, take a leading role in calling not only for Mr. Liu's immediate release but also for a sweeping change to China's oppressive treatment of its population.

I would like to end my statement by quoting John Ralston Saul, President of PEN International, who, in his editorial in Monday's *Globe and Mail*, stated that Mr. Liu Xiaobo:

... is in jail because he believed in the Chinese government and constitution.

It is apparent, honourable senators, that despite signing international documents, freedom of speech in China is only approved if it props up the authorities rather than hold them accountable. It is approved only if it seeks to promote the government rather than point to areas of social growth. This, colleagues, is freedom of speech, Chinese style.

In closing, it is with great honour and sense of urgency that I urge my fellow senators to support this motion to ensure that Mr. Liu Xiaobo's personal sacrifices and unwavering commitment to human rights are not in vain, and that those like Liu Xiaobo will continue to count Canada as a voice on the global stage when they cannot speak for themselves.

Hon. Percy E. Downe: Would the honourable senator take a question?

Senator Di Nino: Absolutely.

Senator Downe: Senator Di Nino mentioned in his speech the countries that are not attending the ceremony. Does he happen to know who is representing Canada at the ceremony on Friday?

Senator Di Nino: My understanding is that Canada will be attending.

Senator Downe: Does the honourable senator know the ambassador who will be attending?

Senator Di Nino: I do not know. This situation has only developed in the last couple of days, as honourable senators know, and I did not seek to find out who was attending. My understanding, however, is that Canada will attend? I believe there are 18 countries that will not be attending, including some of the Central Asian countries and some of the smaller countries around the world, as I said, who I believe are doing this for economic reasons.

Senator Downe: I have seen a very disturbing news report that the head of the United Nations Human Rights Commission has refused to attend. Do you know if the Government of Canada will protest to the UN on that?

Senator Di Nino: I do not know, but I will certainly suggest that they should.

Senator Downe: If we are giving suggestions, could I make a small suggestion as well, that the Conservative caucus has, in Senator Di Nino, an outstanding spokesperson on this matter. He has been at this for a number of years. If I were at the Conservative caucus meeting on Wednesday, I would suggest that Senator Di Nino should attend as part of the Canadian delegation, and I hope someone will take that up.

Hon. Jim Munson: Honourable senators, I was in Tiananmen Square, and I would not mind attending with Senator Di Nino as well.

I do have a few words in response. I commend the honourable senator for what he has just said. Mr. Liu is a very brave man. In fact, I met Mr. Liu, and it is hard to believe that it was 21 years ago in Tiananmen Square. He is a very gentle man and a very brave man.

People like to think of Tiananmen as three days, June 2, 3 and 4, but it was building up long before that. Mr. Liu was part and parcel of a group that was trying to negotiate something very peaceful in Tiananmen, and was trying to avoid the massacre in the square, which I witnessed. I saw hundreds of students die.

It was not easy, but to watch him at that particular time, 21 years ago, and live in real time what one voice, one person trying to say something, and actually trying to live within the constitution of China. All of his work is coming out of the right to free speech in China, allegedly, within their constitution.

This is not, as sometimes the Chinese government would talk about, a troublemaker, someone wanting to overthrow government. He just wants to make government more open, transparent and make it work.

I do have some written notes here for this very brave man. As Senator Di Nino noted, he will receive the Nobel Peace Prize, in spirit, on December 10. Our human rights critic, Irwin Cotler, will be present. It is important that the Canadian government also be present. I sincerely hope that there is some representation.

• (1540)

For 20 years, Mr. Liu has advocated peaceful political change within his country. I remember being in Tiananmen Square, in the rainstorms and dust storms during his hunger strike, and watching him go about doing his work there. As reporters at that time, we knew we were living a moment in history. However, at the same time, we felt that China had its own history and that the government would crack down on these young men and women sooner or later.

For two decades, Mr. Liu has endured a succession of arrests. Throughout years of persecution, he has continued to petition the government and convey his ideologies in writing. As Senator Di Nino mentioned, Mr. Liu helped to author the manifesto emphasizing the need for free speech and free thought. In December 2008, one day before the manifesto was released on the Internet, Beijing authorities arrested and imprisoned Mr. Liu and, of course, he remains in prison today. I have been outside that prison, but I was never allowed to look inside to see what goes on there. Since being awarded the Nobel Peace Prize, the Beijing authorities have been holding Mr. Liu's wife under house arrest.

I think back 21 years and I remember another dissident, Professor Fang Lizhi. He was sort of the Andrei Sakharov of China. When we tried as reporters to talk to him, it was amazing to watch, as he quietly talked to students on campus and to watch the secret police surrounding him and watching him. Sooner or later, he would be arrested, but he obviously found his way outside the country and I believe he now lives in the United States.

It is not just one man or one woman; it is hundreds of thousands of men and women in China who simply want to have the same voices that we have as members of Parliament, and the same voices that we hear outside of Parliament demonstrating for what they believe in. Goodness knows, we do not have to agree with many of the protesters who come to Parliament Hill, but we respect their right to be heard. They are allowed to be heard and they are not thrown in prison for what they say.

Like the manifesto Mr. Liu helped to create, China's own constitution outlines a commitment to respect and protect human rights. However, in my opinion, the Chinese government does not follow its own rule of law.

With its new economic strength, China has relieved millions of Chinese from poverty. Although the Chinese people may be better off in financial terms, they remain deprived. Their government denies them a valid system of justice. Mr. Liu speaks the truth and, if heard, his ideas could well prompt the millions of ordinary

men and women who have built modern China to pursue political reform.

In an article published in Monday's *Globe and Mail*, John Ralston Saul gets at the heart of China's treatment of Mr. Liu. He stated:

Freedom of expression, while it can guarantee nothing, is nevertheless the key to making reform possible.

At the end of the day, the Nobel Peace Prize committee has chosen to honour Mr. Liu for his moral courage. This should be a time for the Chinese to celebrate Mr. Liu, as should Canadians and citizens of countries throughout the world celebrate him. We should likewise demand, as Senator Di Nino has said, that Mr. Liu be freed.

This is a reflection of another time, but I can never forget this. I feel honoured and privileged. In 1989, I ran through Tiananmen Square, listening to a woman as I ran. Just before that, an armoured personnel carrier had run over four or five Chinese. People were standing there with their fists up, saying, "Long live democracy." I then turned to my left and the person was gone. You look and you want to be sick, but then you are running to the square. As you run to the square, the people beside you say, "Please tell the world what is going on in our country." One has to remember that everything was cut off. We were sending out news tapes via students to Hong Kong, and even those tapes were being intercepted. The Chinese secret police were looking at these tapes to see who was on the tapes, because once it is on the air, everyone knows.

At the end of the day, I never thought that I would be standing in the Senate of Canada — at least I did not think that 21 years ago — and having the opportunity and the position such that I can speak on behalf of Mr. Liu's and his wife in this country, because it is so important. It is important never to forget. It is so important that a person like Mr. Liu be allowed to stand up and speak. In the end, I simply ask this question: What is the Chinese government afraid of?

Some Hon. Senators: Hear, hear.

Senator Di Nino: I thank the honourable senator. A year and a half ago, we held an event to mark the twentieth anniversary of Tiananmen Square. Senator Munson attended and he was as eloquent then as he was today. I want to thank him for that as well.

My question is a simple one. I would like to urge our colleagues to see if we can deal with this motion, if not today, then tomorrow, so that we can have it completed before Friday when the ceremony will take place. I wonder if the honourable senator would join me in that as well.

Senator Munson: I thank the honourable senator for the question. As Senator Di Nino knows, and as I certainly know, the whip has a certain amount of power here, but not a lot of power. However, in this regard, I would hope that we could come to a unanimous decision. The honourable senator's motion simply states that Mr. Liu should be freed from prison. I do not think that is complicated. I would wholeheartedly endorse that concept, and I hope that my fellow senators would agree.

Hon. Mobina S.B. Jaffer: I would like to thank Senator Munson once again for bringing to our attention the issue of Tiananmen Square. This is one way in which the honourable senator is helping those people he saw in China, by keeping the issue alive. I thank Senator Munson, and I also thank Senator Di Nino for his motion.

I have a question for Senator Munson. In light of all he knows, what advice, if asked, would he give to our government as to how we can help to get this individual released from jail?

Senator Munson: I thank the honourable senator for the question. There are, of course, diplomatic boots that are employed in pursuing this kind of issue.

When I left China after five years of living there, I had a lot of anger and sorrow. Nevertheless, I fully believe there is only one way to bring about change. This is not about interference, but the words I have always used in my life are: engage, engage, engage.

We need to engage our Chinese counterparts, whether through the Canada-China Legislative Association, of which I am proud to be a member, or through our foreign minister. To me, this matter has reached a point where there should be some intervention and a request for meetings with the foreign ministry and the highest levels of government in China.

I have discovered that the last thing one wants to do in this world is to point a finger and say, in harsh terms, that what someone has done is wrong. The way I like to look at this is that what they have done is not right.

At the end of the day, China is a wonderful country and a beautiful place. I once spoke with the Chinese ambassador who has recently left his post here. About a year or so ago we were having a debate in a meeting of the Canada-China Parliamentary Association. We talked about Tiananmen Square and about all these issues. We did not specifically talk about Mr. Liu, but we talked about several things and he mentioned how wonderful it was that we were having this conversation.

• (1550)

I agreed that we had come a long way, but I pointed out that the conversation was happening in a parliamentary restaurant anteroom with 10 members of the Canadian-China Parliamentary Association and officials. I also said to the Chinese ambassador that if we were to have the same conversation on the issue of human rights and talk about specific citizens on China Central Television at 7 p.m. on a Thursday night, then to me that would be the day China comes of age on the issue of human rights, but engagement is what we must have.

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I also want to thank Senator Di Nino for moving this very important motion. Since Senator Munson has the floor, I will ask him my question.

Senator Di Nino's motion says, "That the Senate of Canada call upon the Chinese Government." Should the motion not say, "That the Senate of Canada call upon the Canadian Government" in order to give the motion more teeth? Can the Senate of Canada call upon the Chinese Government?

Could Senator Munson tell us how we could include "the Government of Canada" as well as "the Senate of Canada" in this motion? We usually say, "That the Senate call on the Government of Canada."

[English]

Senator Munson: One day, I will be back in government. Today is not the day, so I will defer to Senator Di Nino to answer this question.

The Hon. the Speaker: Senator Di Nino cannot answer under our rules.

Senator Di Nino: May I ask a question of Senator Munson?

Does Senator Munson remember some years back when we had a similar motion? I do not believe it was in relation to the Chinese government, it was for some other issue. The motion we were discussing was a motion that asked the Government of Canada to do something on our behalf, and the discussion was a long one. Although the issue was not totally resolved, it was felt that the Senate of Canada should do this on its own by saying we, the Senate of Canada — this is not a law, this is not a resolution — urge the Government of China to release this man. That is my recollection of a discussion we had some time ago. Does the honourable senator remember that?

Senator Munson: Yes: Honourable senators, I believe what Irwin Cotler said to our caucus today — I may be breaking caucus privileges but he was talking about good things here — is that he was going to Copenhagen. I talked about what was happening in the Senate with Senator Di Nino's motion and that I did not know how far the motion would go today. After caucus was over, Mr. Cotler said that for me to carry messages in my pocket to Oslo from different institutions would be a strong statement, and the more messages from separate institutions, the better. As a separate institution, it would be rare but important that we agree today or tomorrow on Senator Di Nino's motion for calling on the Chinese government to have Mr. Liu Xiaobo released from prison.

Hon. Joseph A. Day: Honourable senators, there are many interesting points here. The question and the propriety of an institution and part of Parliament asking for someone to be released from prison in another country is something that I want to reflect on. I ask for the indulgence of honourable senators in the adjournment of the debate in this matter.

(On motion of Senator Day, debate adjourned.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, this brings us to the end of our Order Paper. As we all know, there is an order that we will have a vote at 5:30 p.m. The bells will start ringing at 5:15 p.m. We shall therefore interrupt our proceedings and suspend until 5:30 p.m., with the bells ringing at 5:15 p.m.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

(The sitting of the Senate was suspended.)

• (1730)

(The sitting of the Senate was resumed.)

BANKRUPTCY AND INSOLVENCY ACT AND COMPANIES' CREDITORS ARRANGEMENT ACT

BILL TO AMEND—SIXTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tkachuk, for the adoption of the sixth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-216, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act in order to protect beneficiaries of long term disability benefits plans, with a recommendation), presented in the Senate on November 25, 2010.

Motion agreed to and report adopted on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Ataullahjan
Boisvenu
Braley
Brazeau
Brown
Carignan
Champagne
Cochrane
Comeau
Demers
Di Nino
Dickson
Duffy
Eaton

Lang
LeBreton
MacDonald
Manning
Marshall
Martin
Mockler
Nancy Ruth
Neufeld
Ogilvie
Oliver
Patterson
Plett
Poirier
Raine
Rivard

Finley
Fortin-Duplessis
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Housakos
Johnson
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Kochhar

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Banks
Callbeck
Campbell
Carstairs
Chaput
Cools
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Dawson
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Downe
Eggleton
Fairbairn
Fox
Fraser
Furey
Harb
Hubley
Jaffer
Joyal

Losier-Cool
Lovelace Nicholas
Mahovlich
Massicotte
McCoy
Mercer
Mitchell
Moore
Munson
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Nil

(The Senate adjourned until Thursday, December 9, 2010, at 1:30 p.m.)

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• VOLUME 147

• NUMBER 76

OFFICIAL REPORT
(HANSARD)

Thursday, December 9, 2010

—◆—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, December 9, 2010

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

UNIVERSITY OF VICTORIA

CANASSIST PROGRAM

Hon. Sharon Carstairs: Honourable senators, two weeks ago, I had the great privilege to visit CanAssist at the University of Victoria. This incredible organization is dedicated to improving the lives of those with disabilities, young and old alike, and it is engaged in a wonderful partnership at the university.

I met the staff including engineers and computer technicians who work together to create and distribute customized assistive technologies and devices. Let me describe some of the projects that I observed.

An iPod had been enhanced to allow brain-damaged individuals to function by prompting them as to how to perform certain tasks — for example, how to use the coffee maker — press the iPod; how to make the coffee — press the iPod; how to get to the office — press the iPod; and how to get to the gym.

I saw the same iPod adapted to be used by quadriplegics so they can enjoy the music they want by simply raising their eyebrows. The client in this case wears a chic headband with sensors invisible to others, but these sensors are so sensitive that they can detect the raised eyebrow.

I saw another device that allowed a severely disabled man to play catch with his dog. By a simple movement, he could fire balls 100 metres by activating a simple device on the side of his wheelchair.

I saw a project that enabled a non-computer-literate 90-year-old to use Skype simply by touching a picture image of the person with whom she wanted to speak, thereby enhancing her ability to remain in contact with family and friends and, similarly, they can contact her.

Technology is becoming so much a part of our everyday lives. It was a delight to see how these technologies can be adapted for the disabled by making products that enable these Canadians to lead lives similar to that of able-bodied Canadians.

I congratulate the University of Victoria and CanAssist for this remarkable program.

COMMISSIONER OF YUKON

MR. DOUGLAS GEORGE PHILLIPS

Hon. Daniel Lang: Honourable senators, I rise to mark the appointment of Douglas George Phillips as the twenty-ninth Commissioner of Yukon. Prime Minister Harper met with Commissioner Phillips last week to make the announcement here in Ottawa, and the commissioner will be sworn in formally in Whitehorse on December 17.

For those senators who are not aware, the position of commissioner in the Yukon is akin to that of the lieutenant-governor in a province. Commissioner Phillips brings an impressive resumé to his new position. He genuinely represents a love of the outdoors and a commitment to public service that endears him to all Yukoners.

A lifelong Yukoner, Mr. Phillips in his past life served as a member of the Yukon Legislative Assembly as well as in the cabinet of the Yukon Government.

He is well known for his work with the Yukon Hospital Foundation of which he is a co-founder. He is known as a conservationist and someone willing to volunteer his time for worthy community causes. I am sure Commissioner Phillips will do an excellent job.

While I am on my feet, I want to commend the work of retiring Commissioner Geraldine Van Bibber. She represented the Queen and the Governor General in the Yukon in an exceptional way that brought great credit to her, to Yukon and to our people. Honourable senators, I salute these two great Yukoners.

THE LATE MR. JAY ROBERTS

Hon. Jim Munson: Honourable senators, I stand today to pay tribute to my old friend Jay Roberts who died this past October. He is best known to Canadians as the legendary Ottawa Rough Riders tight end who, in the late 1960s, helped carry the team to two Grey Cup wins.

My friendship with Jay dates back to the 1970s after he retired from professional sports, and worked with the federal government and, of course, with many Aboriginal groups. On Saturdays, we would get together with a bunch of friends for touch football and followed by perhaps a pint or two.

Jay was a soft-spoken and humble man. He liked to laugh and have a good time, and he looked out for his family and friends. His son Jed was born with a severe hearing impairment and had to wear hearing aids in both ears. Those hearing aids were big and obtrusive, and growing up, Jed took a lot of teasing from his peers.

It was Jay who helped Jed get beyond the hurt and realize his dreams. When Jed decided to give football a try, Jay backed him all the way throughout an amazing Grey Cup winning career with the Edmonton Eskimos. The names of father and son were etched on the Grey Cup one over the other, Jay in 1968 and Jed in 1993.

My own son Jamie had to wear hearing aids, and when he was younger, I hated seeing him growing resentful and insecure about them. I turned to Jay for advice.

He arranged for Jamie and me to meet Jed. It was in Montreal about 12 or 13 years ago at Molson Stadium after an Alouette-Eskimo game. I remember walking across the field with my son and approaching this huge imposing player. Jed removed his helmet, greeted us with a smile, then casually slipped on his hearing aids.

For Jamie, seeing this was life changing. In that moment, he understood he was not alone and that a hearing aid was only a device to help him participate in the world. It could be that simple.

Wisdom, humility and determination were all qualities that characterized my friend Jay, all qualities he passed down to his son Jed. Jed now works at an Edmonton group home, helping children with behavioural issues.

• (1340)

After years of battling dementia, blood clots, circulation issues and, finally, lung cancer, Jay — or, as we knew him, “Hawk” — is gone, but his will to help others persists. He is the first CFL player to donate his brain and spinal cord to medical research so that doctors can study the effects of head trauma. His gift to science is also raising awareness of football-related concussions, which, I am sure, will help many people in the future.

I will miss my big, lovable friend.

THE LATE MRS. MARJORIE KATHRYN ELLIOTT

Hon. Yonah Martin: Honourable senators, there is a place in Hope, British Columbia, that my nephew once described as “a little piece of heaven on earth.” Even time seems to slow down, for as long as she can, to breathe in the clean mountain air, listen to the rush of Silver Creek and, in the spring or summer, marvel at the fruits and flowers that grow with abandon in the garden: roses, lilies, tulips, creeping jenny, forsythia, bergenia, sedum, grapevines, apple trees and a plum tree.

Inside the modest rancher, which had to be moved back when the creek swelled threateningly to wash the house away, lived the gardener of many talents — the little old lady of Silver Hope, Marjorie Kathryn Elliott, née Radley.

This is a tribute to Marjorie Kathryn Elliott, my husband Doug Martin’s late maternal grandmother, our beloved Gran E., who passed away on November 18, 2010, at the age of 91.

Gran E. was born in Wilton, Illinois, on May 29, 1919, during the period of her father’s study to earn his Master of Divinity, the third of five children: Gladys Scott, presently 94 and going strong; the late Edith Radley, a former nurse and United Church missionary, and companion of the Order of Canada for her transformative work in Africa; Gran E.; and Jeannette Wolfe, Ottawa resident, present in the gallery today with her daughters Pamela, Karen and Beverley Wolfe; and baby brother Don Radley.

[Senator Munson]

The family returned to Manitoba, the birthplace of Gran E.’s mother and where her father served as a minister in the United Church of Canada. Gran E. and her siblings spent their childhood playing and dreaming under the expansive prairie sky.

In Manitoba, they all received a good education. Gran E. earned her Bachelor of Arts at the University of Manitoba in 1940 and her Diploma in Education in 1941. Her first teaching post was in Cardale, Manitoba, where she also met her husband to be, Elvin Kingsley “Bud” Elliott. I should note here that his mother was Martha Jane Ireton Elliott, a formidable political activist and a leader of the United Farm Women of Manitoba during the suffragette years and member of the Manitoba Agricultural Hall of Fame.

In 1943, they would marry in Port Simpson near Prince Rupert, B.C. and settled in Richmond, B.C. by 1948. There they raised four children: Merle, Elaine, James and Jeannie. Her eldest daughter, Merle, is my late mother-in-law and the only one to follow in Gran E.’s footsteps as a teacher.

My mother-in-law told me once that she remembers her mother routinely vacuuming while reading. Gran E.’s passion was indeed reading — fiction, non-fiction and, most of all, the romantic poets; those famous “rebels and romantics” whose poetry remains unsurpassed to this day. She had an impeccable memory and could quote at length from Shakespeare, Milton, Keats and Shelley.

Gran E. had a great mind, one that enabled her to conjugate French irregular verbs in all their tenses, even in her final days. She was a wonderful conversationalist, a lively debater and a fierce Scrabble player, a champion at all costs. In fact, in her honour, our family will hold an annual Gran E. Scrabble tournament on her birthday.

MR. JOHNNY MAY

Hon. Charlie Watt: —

[*Editor’s Note: Senator Watt spoke in Inuktitut.*]

Honourable senators, today I would like to pay tribute to Johnny May, the first Inuk pilot in the Eastern Arctic Region. Recently, Johnny received the great honour of being inducted into the Québec Air and Space Hall of Fame.

His career started at the youthful age of 17 when he received his flying licence. He credits traditional knowledge of the land, ice and sea with his success and long career. Cheating death, saving lives and defying the harsh conditions of the northern climate is just a regular daily occurrence.

Over the years, he has provided commercial service, flown the medevac and conducted search and rescue missions. Today, he is still flying at 65 years of age. There are stories about flying at night without proper equipment, narrow escapes through the cockpit window, and witnessing many babies being brought into the world.

When I was an adventurous young man, I used to find myself in some interesting situations with Johnny. During the James Bay and Northern Quebec negotiations, I relied on Johnny to get me

out of some pretty tight spots. We had our days flying in and out of isolated communities, long before any runways existed in the North.

He has always been an exceptional bush pilot. He never hesitated to get up in the middle of the night to make emergency flights and deliver essential supplies to remote communities under the most challenging conditions.

His plane is known as “Santa’s sled” because every Christmas, he showers the community of Kuujuaq with candies for the children and other valued gifts of parkas and clothing. His presence and service to the Inuit over the past 48 years has been extraordinary. He is an exceptional role model and a very dear friend. Today, I would like to congratulate him and, on behalf of the Inuit of Nunavik, say thank you very much.

[Editor’s Note: Senator Watt spoke in Inuktitut.]

SPINAL CORD RESEARCH

Hon. Nancy Greene Raine: Honourable senators, we all recall that spectacular moment last February at the opening ceremonies of the Vancouver Winter Olympic Games when Rick Hansen wheeled the torch into the Olympic stadium to an overwhelming crowd of athletes and spectators from around the world. It was one of Canada’s proudest moments during the Games, and one which gave me goosebumps as I watched him approaching from across the stadium.

Thinking back to 25 years ago when he set out from B.C. to wheel around the world on his Man in Motion World Tour to raise awareness around spinal cord injuries, this man has accomplished amazing goals. A quarter of a century later, his work continues with a new initiative — to create a global registry for spinal cord research.

As honourable senators can imagine, there are many labs around the world with researchers working to find a cure for spinal cord injury. However, they remain isolated from others in their field and many centres do not have enough patients to conduct proper studies. A universal registry will help to solve these problems and encourage the exchange of knowledge on the subject. Through sharing of studies, theories and observations on spinal cord injuries, more will be possible and a cure could be closer at hand. Globally, there is a strong desire to come together in a global network, and that is what Rick’s new registry will make possible.

The Rick Hansen Spinal Cord Injury Registry, led by the Rick Hansen Institute, is Canada’s living database of information and is an invaluable resource for researchers, clinicians and health care administrators.

Participants in the registry will benefit from access to larger volumes of standardized data and data sets, increased participation in international research projects, and they will be able to share best practices to improve the care and treatment outcomes for patients, including, no doubt, the CanAssist projects mentioned by Senator Carstairs earlier today.

Already utilized by over 30 hospitals and research institutions, the registry for spinal cord research is now going global. Over the next two years, Rick Hansen will return to selected countries exactly 25 years after his Man in Motion World Tour visits, this time with the goal of bridging international borders for research.

Honourable senators, as reported in the media recently, funding for research into spinal cord injuries has been limited. However, the Rick Hansen Institute has received about \$30 million from Health Canada and more than \$30 million from various provinces. Unlike cancer or heart disease, traumatic spinal cord injuries, fortunately, are not as widespread. An estimated 44,000 Canadians are affected, and there are about 1,500 new cases each year. However, because of the smaller numbers, spinal cord injury does not always capture the attention of governments.

Rick’s world view, no doubt influenced by his tour 25 years ago, is to connect researchers around the world in order to collaborate. His initiative is sorely needed. The idea for a global registry was first developed after a conference in Vancouver some years ago. UBC’s Centre for International Collaboration on Repair Discoveries plays an important role. This research brings hope for the future. Finally, it is a great example of how just one man can make a huge difference.

• (1350)

THE LATE LESLIE NIELSEN, O.C.

Hon. Tommy Banks: Honourable senators, the American film industry — or Hollywood, as we have all come to call it — has, from the very beginning, been peopled with a disproportionate representation of Canadians.

Many of the earliest movers and shakers — including Jack L. Warner and Mack Sennett — were Canadians. Louis B. Mayer was not born in Canada, but he spent his formative years in New Brunswick.

Honourable senators, our famous moviemakers have included Norman McLaren, Arthur Hiller, Norman Jewison, David Cronenberg, Jason Reitman, Paul Haggis, James Cameron and Toronto’s Howard Shore, who won three Academy Awards for his music for *Lord of the Rings*.

Among the actors, Mary Pickford, “America’s Sweetheart,” was from Hamilton. Norma Shearer, Marie Dressler and Deanna Durbin were all Canadians, as were Walter Houston, Raymond Massey, Alexander Knox, Walter Pidgeon, Hume Cronyn, Jack Carson, Glenn Ford — it goes on and on. Fay Wray, with whom King Kong first escaped, was from Lethbridge. Yvonne De Carlo hailed from Vancouver. The list is endless.

Leslie Nielsen was perhaps, in his provenance, the most Canadian of them all. He was born in Regina, the son of a Mountie. He lived in the North. He moved to Edmonton, the most Canadian of all cities, where he went to school, grew up and went on to become a successful and distinguished classical and dramatic actor, on the stage first, both in Canada and then in New York, and then in films and on television.

His first film role was as the King of France in a movie with Kathryn Grayson, called *The Vagabond King*. He called it "The Vagabond Turkey."

He was first a dramatic actor, and latterly turned into a deadpan comedy actor, the best of them all. He became a master. Siskel and Ebert called him "the Olivier of deadpan comedy."

His most quoted film line was in response to the question, "Surely you're not serious," to which he responded, "I am serious, and don't call me Shirley."

Leslie Nielsen never forgot his Edmonton roots and he came home to Edmonton often. I had the honour and pleasure of working with him often, and of having been the butt of some of his more outrageous practical jokes.

The Leslie Nielsen School of Communications at the Northern Institute of Technology in Edmonton is named for him; and he was often seen in the halls of the Victoria School for the Arts, from which both he and his famous classmate, the great director Arthur Hiller, are distinguished graduates.

Leslie Nielsen died last week at the age of 84. He was a fine gentleman, an inveterate prankster and a world-famous actor whose work will be studied and admired by the ages.

[Translation]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of the Honourable Marie-Claude Blais, New Brunswick's Attorney General and Minister of Justice and Consumer Affairs.

On behalf of all senators, I welcome you to the Senate of Canada.

ROUTINE PROCEEDINGS

AUDITOR GENERAL

PUBLIC SECTOR INTEGRITY COMMISSIONER— DECEMBER 2010 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a special report from the Auditor General of Canada pursuant to subsection 8(2) of the Auditor General Act.

THE ESTIMATES, 2010-11

SUPPLEMENTARY ESTIMATES (B) SEVENTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance presented the following report:

[Senator Banks]

Thursday, December 9, 2010

The Standing Senate Committee on National Finance has the honour to present its

SEVENTH REPORT

Your committee, to which were referred the Supplementary Estimates (B), 2010-2011, has, in obedience to the order of reference of Thursday, November 4, 2010, examined the said Estimates and herewith presents its report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of report, see today's Journals of the Senate, Appendix A, p. 1083.)

The Hon. the Speaker: Honourable senators, when will this report be taken into consideration?

(On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[English]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of the Honourable Dennis Fentie, Premier of Yukon.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

[Translation]

FEDERAL LAW— CIVIL LAW HARMONIZATION BILL, NO. 3

FOURTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Joan Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, December 9, 2010

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

FOURTEENTH REPORT

Your committee, to which was referred Bill S-12, A third Act to harmonize federal law with the civil law of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and

the civil law has, in obedience to the order of reference of Thursday, November 18, 2010, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Carignan, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the tenth report of the Standing Committee on Internal Economy, Budgets and Administration.

OLD AGE SECURITY ACT

BILL TO AMEND—FOURTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, December 9, 2010

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

FOURTEENTH REPORT

Your committee, to which was referred Bill C-31, An Act to amend the Old Age Security Act, has, in obedience to the order of reference of Tuesday, November 30, 2010, examined the said bill and now reports the same without amendment.

Respectfully submitted,

ART EGGLETON, P.C.
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Eggleton, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

CONFLICT OF INTEREST FOR SENATORS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES— SECOND REPORT OF COMMITTEE PRESENTED

Hon. Terry Stratton, Chair of the Standing Committee on the Conflict of Interest for Senators, presented the following report:

Thursday, December 9, 2010

The Standing Committee on Conflict of Interest for Senators has the honour to present its

SECOND REPORT

Your committee, which is authorized on its own initiative, pursuant to rule 86(1)(t), (i) to exercise general direction over the Senate Ethics Officer; and (ii) to be responsible for all matters relating to the Conflict of Interest Code for Senators, including all forms involving senators that are used in its administration, subject to the general jurisdiction of the Senate, respectfully requests funds for the fiscal year ending March 2011 and that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such matters as are referred to it by the Senate, or which come before it as per the Conflict of Interest Code for Senators.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

TERRY STRATTON
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 1111.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Stratton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1400)

[*Translation*]

NATIONAL HOLOCAUST MONUMENT BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-442, An Act to establish a National Holocaust Monument.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE
OF THE WHOLE TO RECEIVE THE COMMISSIONER
OF OFFICIAL LANGUAGES AND THAT
THE COMMITTEE REPORT TO THE SENATE
NO LATER THAN ONE HOUR AFTER IT BEGINS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, at the end of question period and delayed answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive the Commissioner of Official Languages;

That the Committee of the Whole report to the Senate no later than one hour after it begins.

[English]

QUESTION PERIOD

HEALTH

TOBACCO PRODUCTS

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

On November 18, I and a number of honourable senators on this side asked the leader questions about reports that had been in the press saying that the government was not proceeding with plans to update the health warning labels on cigarette packages. The leader was very clear in her response. She said the government has not reversed its position; they have not cancelled the program.

In responding to Senator Merchant, the leader also said:

... it is absolutely insulting to suggest that because *The Globe and Mail* asks the question did we bow to the lobby or pressure from the tobacco industry, then it must be true. That is an outrageous statement that does not even warrant a response.

That was what the leader said on November 18.

Honourable senators, the other day, Health Canada documents were tabled before the committee in the other place and they paint a somewhat different picture. In September 2009, according to

those documents, Health Canada met with anti-tobacco advocates to provide an update on the labelling renewal initiative. At that meeting, the officials showed mock-ups and bigger, more graphic pictures and messages in preparation for drafting final regulations to be published in early 2010.

They show Health Canada having a series of private meetings between November 2009 and April 2010 to update the industry about the labelling renewal initiative — okay?

Senator Comeau: Multi-tasking.

Senator Cowan: I am getting to multi-tasking.

The tobacco companies, of course, have lobbied against these warnings and have argued that the government should concentrate on cracking down on contraband cigarettes. We all agree that is an appropriate thing to do.

It now appears there were a number of meetings, including four meetings at the Prime Minister's Office and more than 80 meetings over a two-year period. This was reinforced last evening on the CBC report that I am sure the leader saw, given her penchant for watching the news late at night. Big tobacco won this contest.

In May 2010, these same documents report that there was a meeting between Health Canada and Imperial Tobacco. During that meeting, Imperial Tobacco was informed of "suspended regulatory projects" and that the federal government would be cracking down on contraband cigarettes.

Why did the leader say on November 18 that the government had not made a decision when the government was informing Imperial Tobacco at a private meeting in May that they had done so?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I was not watching the CBC last night. I was at the Conservative Christmas Party, being entertained by our Prime Minister. It was a great evening and lots of fun was had by all.

I was informed about the CBC report. I hate to disappoint Senator Cowan but, just like *The Globe and Mail*, the CBC report is wrong, as well.

Honourable senators, the Minister of Health and our government are committed to reducing tobacco use amongst our population and our youth. We are helping Canadians to quit smoking and we are addressing, as the honourable senator mentioned, the pressing issue of contraband tobacco. We are taking action on many fronts. For example, Bill C-32, the Cracking Down on Tobacco Marketing Aimed at Youth Act, which recently came into force, will make it harder for industry to entice young people to use tobacco products. Many people will agree that the use of social media outlets is probably a good place to start to target young people.

As I have said before, the additional health warning labels are still under review and I am informed that an announcement in this regard will be made very soon.

Senator Cowan: Is the leader saying that the government has not made a decision to suspend this program?

Senator LeBreton: That is what I am telling the honourable senator.

Senator Cowan: Honourable senators, to the point Senator Comeau made a moment ago about multi-tasking, could the leader explain to me why it is not possible for the government to proceed with the updated labelling programs that all of the surveys indicate are effective? There is not a single survey I have seen or been made aware of that indicates anything to the contrary.

Why is it not possible to proceed with those updated programs, which have cost millions of dollars to develop, the implementation cost of which is not borne by the Government of Canada but by the tobacco companies, at the same time we are enhancing and improving the battle against contraband tobacco? If the leader can double-task here, why can she not double-task there?

Senator LeBreton: I could do better than double-task; I can multi-task.

Honourable senators, no government has taken on big tobacco more than this government with regard to what we have done with kiddie packs and flavoured tobacco.

The CBC report is wrong. The additional health warning labels are still under review. I use the word "additional" because we already have warning labels. As I said a moment ago, I am informed an announcement will be made soon in this regard.

• (1410)

I point out again that in addition to the labels on cigarette packages, which are a valuable tool to help people to quit smoking, the government is using other means to reach youth, particularly with social media. It seems to me, as I am sure it does to most people, that the best thing to do is to prevent youth from starting to smoke. That is why social media is so important. Obviously, labelling on cigarette packages is useful, but by the time those labels come into play, people are already buying cigarettes.

Senator Cowan: In that case, is it correct that not only are the CBC and *The Globe and Mail* wrong, but the documents that were tabled in the other place the other day that indicated that this labelling renewal initiative was being shelved are also incorrect?

Senator LeBreton: I will repeat that additional health warning labels are still under review. I am informed that an announcement in this regard will be made soon. That is all I can tell the honourable senator.

Hon. Catherine S. Callbeck: Honourable senators, my question is directed to the Leader of the Government in the Senate on the same topic. Is the leader saying that at the meeting of provincial health ministers in September the federal health minister did not indicate that this initiative had ended?

Senator LeBreton: I was not at the meeting and I was not privy to the discussions at the meeting. I will take that question as notice.

I can only tell honourable senators what I know to be the case, and that is that the reports regarding the additional labelling are not true and an announcement will be made soon.

Senator Callbeck: I would be interested in hearing the leader's answer as to what the minister said at that meeting. We are hearing that the minister indicated to the provincial ministers that this initiative had ended, and that nothing would take place regarding these labels.

The leader said an announcement will be made soon. Is "soon" a week or a month? How far down the road is it?

Canada used to be first on the world stage on this issue. We were the first to put graphic labels on cigarette packages. We were the first to meet the recommendation of the World Trade Organization for warnings covering 50 per cent of the package. However, in the last 10 years we have dropped from number 1, the top country in the world, to number 15. We have fallen tragically behind.

I would like to know the time frame. The leader says that the minister is considering this issue and that there will be an announcement soon. How long do we have to wait before we know whether this government will take any concrete action?

Senator LeBreton: First, honourable senators, it was a Conservative government that first started putting warning labels on tobacco products.

Second, Senator Callbeck is talking about a meeting that the Minister of Health had with her provincial and territorial counterparts. Senator Callbeck said it is hearsay that the minister said a certain thing at this meeting. I have no knowledge of that statement, and I have no reason to believe that is the case. I do not believe this statement is something that has been on the public record.

I will ask for clarification from my colleague Minister Aglukkaq, the Minister of Health, on what the discussions were at that meeting with regard to tobacco control.

With regard to "soon," well, soon is soon. To paraphrase the honourable senator's former leader, a former prime minister and hero of Jim Munson, the proof is the proof is the proof.

Senator Mercer: He is the hero of many of us.

Hon. Grant Mitchell: Honourable senators, I want to be encouraged but I do not want to become too excited about this announcement.

The leader said recently that we should be hopeful that we will have an announcement soon on the Nortel disability pensioners issue, and now we hear that we will have an announcement on new cigarette package labelling "soon."

Can the leader stand in the Senate right now and confirm those two things so that, one, we can hold her accountable when and if they happen or do not happen, and, two, so that we do not have to watch CBC to find out what is going on?

Senator LeBreton: I will not give the answer I was planning to give. Senator Mitchell might not like what I was going to say.

In terms of the Nortel pensioners, I pointed out with regard to long-term disability that we made a commitment in the Throne Speech to look at ways we can improve the situation of LTD pensioners who work for companies that go bankrupt.

With regard to the tobacco announcement, soon is soon is soon. That is all I can say.

INDUSTRY

LONG-TERM DISABILITY BENEFITS— NORTEL EMPLOYEES

Hon. Art Eggleton: Honourable senators, my question is directed to the Leader of the Government in the Senate. Bill S-216 has been defeated, but the problem remains. The minister commented on dealing with LTD employees, but from what I heard in her answer, she is talking about the future. There are still 400 Nortel workers who are looking for a just settlement and to live out their lives in dignity, despite their disability, and I present their case again today, as I have all week.

I have an impact statement from Marc Girard. He says:

... I am 45 years of age and I live with my wife in Blainville Quebec with our 3 adolescents. I was diagnosed with Multiple Sclerosis in 1998. In 2002, following a major MS crisis, I was declared totally disabled and started receiving LTD benefits from my employer Nortel.

During the last 8 years, my physical condition has worsened after several MS crises. I started to use a cane and since the last 3 years I must use a wheel chair for my daily usage. This rapid deterioration of my physical condition has greatly affected all members of my family. It has become a psychological burden for my wife and children.

In 2002 when I was declared totally disabled, I thought that my financial situation would be preserved by receiving my LTD benefits till age 65 as defined in my benefit package, benefits that I was contributing personally in addition to the portion covered by Nortel.

At the beginning of this year, I was informed by Nortel that the final payment of my LTD income would end in December 2010. It has become evident that our family financial situation will be very critical in January 2011. The main family income to support our needs will come from my wife's salary which will barely cover the basic needs of our daily expenses. The scholarship cost for my children's education will suffer and the access to superior studies will be compromised by the lack of LTD income which will end in December 2010. It will also be difficult to financially support my medical services and drug expenses.

It is very difficult to live with a physical limitation and not being able to work and take care of my family obligations and that is why I must seek help from the political instances who have been elected or appointed to take the necessary decisions to help me and all those who face a similar situation.

Please help to correct this injustice.

• (1420)

Tony Clement said in the House of Commons in response to similar questions, "We are for solutions that will work." That is fine. Will the leader make representation to Mr. Clement to sit down with representatives of the Nortel disabled and their financial and legal advisers to work towards a solution for these people before time runs out at the end of this month?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I have said on each and every occasion that Senator Eggleton has read into the record one of these sad cases, no one can underscore the effect of Nortel's actions on these individuals. There is no other way to describe the situation than as serious and unfortunate. All senators on both sides of the house, and everyone who has encountered these individuals, sympathize with the most serious situation faced by Nortel pensioners, most particularly long-term disability recipients.

Senator Eggleton knows well that the situation would not have been resolved by Bill S-216. Unfortunately, as pointed out by Senator Greene when he spoke to this issue, this settlement was the result of a court-approved settlement agreement between all parties under the legislation at the time.

The situation of former employees of Nortel is at the forefront of people's minds and it is in the news. I have said to the honourable senator before that the government takes the matter of pensioners, especially long-term disability pensioners, seriously. For that reason, when the Speech from the Throne was delivered in this chamber earlier this year, the government made a commitment to protect workers better when the employer goes bankrupt.

Minister Clement is absolutely correct in saying that the government is working, and has been working for some time, to find solutions that will work. The government will continue to try to resolve these unfortunate situations. There is not a lot I can add.

Concerning the honourable senator's direct question, many representations have been made to government by many individuals affected by the Nortel bankruptcy. The government is troubled by what has happened to these individuals and will seek solutions to better protect workers who face such a situation.

Senator Eggleton: Sympathy, whether it is the leader's or mine or someone else's, will not bring these people the kind of just settlement they deserve, and it will not keep them out of poverty and allow them to live a life of dignity.

The leader mentioned the court settlement, which was the best that could be reached under the existing rules. Even those people who were part of the settlement negotiations said that it would

not keep the disability pensioners, by any means, out of poverty or pay for their medical bills and other items they need to live. The settlement simply will not do that.

My bill would have done that. I totally disagree with the leader's assessment of my bill. Experts in this area of law advised me on what should be in a bill. Bill S-216 could have worked. Nevertheless, the bill is gone. The sympathy remains, but that is not enough.

The leader talked about the better protection of workers in the Speech from the Throne, and about the government finding a solution in the future. I do not know why it is taking so long. My bill and this whole issue were on the table last spring when I talked to Mr. Clement. I do not understand why it is taking so long to find a solution.

I understand from the leader's response to my question that she is writing off doing anything for the people from Nortel. She is talking in terms of the future as opposed to dealing with these people for whom time runs out at the end of this month.

Will the leader ask Mr. Clement to sit down with these people to try to find solutions that include not only future bankruptcy issues but also the immediate issues faced by 400 former employees of Nortel?

Senator LeBreton: Honourable senators, I suggest that Senator Eggleton not put words in my mouth.

I am sympathetic to these individuals but we cannot change what has happened. Nortel went bankrupt and there was a court-ordered settlement, in which people participated.

Senator Tkachuk: You should have brought your people out yesterday. That is what you should have done.

Senator LeBreton: I cannot make commitments on behalf of my colleagues as to whether they will meet individuals. I will pass the honourable senator's request to my colleague.

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. Wilfred P. Moore: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, two more countries sounded the alarm bells regarding the *Joint Strike Fighter* program. The Italians are moving toward cancelling a portion of their order, and the Dutch Minister of Defence, Hans Hillen, cautioned that the price per unit will be \$121 million. This price approaches three times the original price quoted by Lockheed Martin. What guaranteed price per unit does Canada have?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I believe Senator Moore is misinformed. No country has cancelled its order for this aircraft.

My answer is in the form of a question to the honourable senator: Why would anybody wishing to form a government in this country turn their back on an agreement they initiated and that would put at risk the jobs of 80,000 Canadians?

Senator Moore: Honourable senators, I would like an answer to the question.

We are hearing now from Senator Tkachuk. This is beautiful. Honourable senators, allow me to quote from someone who is now part of the Reform-Alliance coalition. He said:

Frankly, the Reform Party has been getting a free ride. Like all the extremist parties, they practice the politics of envy — the reason you, the voters, do not have is because others do. We have heard this before, whether it be the rich, the Jews, the multi-nationals; history is full of examples. Find someone to blame. The Reform Party painted politicians with the broad brush of envy, those who were there, and deftly used the propaganda tactics so exceptionally described by Hitler in *Mein Kampf* in his chapter on propaganda. The sins were opulence, sumptuous offices, gluttony practised in subsidized restaurants, vanity, barber shops . . .

On and on from the man who swallowed the Kool-Aid — David Tkachuk, senator.

• (1430)

I would like an answer to the question. I would like to know what is the guaranteed —

Senator Tkachuk: What does that have to do with airplanes?

Senator Moore: It has to do with you and your comments, senator, which you railed against before but now you have swallowed the Kool-Aid and you think it is fine.

Some Hon. Senators: Oh, oh.

Senator Moore: Honourable senators, I would like to know from the minister what the guaranteed price is per unit. I would like to know the guaranteed amount of the regional industrial benefits.

Senator LeBreton: Honourable senators, I have some absolutely delicious quotes from members of the Liberal Party about things they have said about their own members. If we play that game we could be here —

Senator Tkachuk: What did you say about Senator Cowan?

Senator LeBreton: Having said that, Senator Tkachuk and I, and many of us who eventually —

Senator Mercer: Drink the Kool-Aid!

An Hon. Senator: Proud of it.

Senator LeBreton: — reunited our party, came to the conclusion that it was absolutely the urgent thing to do because we had to save the country from the scourges of a Liberal government.

Some Hon. Senators: Hear, hear.

Senator LeBreton: With regard to the senator's specific question, I will take it as notice.

Senator Moore: The leader can take it as notice and add this to her notice, because her party promised, in its 2008 election campaign, that they:

... will leverage these dramatic increases in defence procurement to ensure that new high technology jobs are created in Canada through a combination of buying Canadian-made defence equipment and securing high-value industrial benefits when equipment is purchased

We know from the Pentagon that Canada will get \$3.9 billion in industrial and regional benefits, IRBs, and she has said \$12 billion. I want to know what the guarantee is for the IRBs and the guaranteed price on the jets per unit.

Senator LeBreton: We are not the only ones to say it was \$12 billion. A witness from Lockheed Martin said that, before a committee in the House of Commons.

ORDERS OF THE DAY

GENDER EQUITY IN INDIAN REGISTRATION BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Brazeau, seconded by the Honourable Senator Braley, for the third reading of Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada* (Registrar of Indian and Northern Affairs).

Hon. Mobina S.B. Jaffer: Honourable senators, I rise before you to speak at third reading of Bill C-3, an act to promote gender equity in Indian registration by responding to the Court of Appeal of British Columbia decision in *McIvor v. Canada*.

Bill C-3 was studied by the Standing Senate Committee on Human Rights, of which I am a deputy chair. We heard from the Honourable Minister John Duncan, who stated:

Bill C-3 focuses on two objectives. First, the legislation would eliminate a cause of gender discrimination in the Indian Act as identified by the Court of Appeal for British Columbia. Second, it would meet the deadline imposed upon Parliament in the court's ruling. Last year the Court of Appeal for British Columbia ruled that two paragraphs in section 6 of the Indian Act discriminate between men and women with respect to registration as an Indian, and, therefore, violate the equality provision of the Canadian Charter of Rights and Freedoms.

Unfortunately, as the committee continued its study, I learned that this particular piece of legislation would not eliminate gender discrimination, nor would it provide equal rights for Aboriginal men and women.

Although I am sure many of you are familiar with Sharon McIvor's case, for those of you who are not, I will provide a brief background about her battle with the Canadian government.

Sharon McIvor first applied for status in 1985. After completing the application process, she and her siblings were granted section 6(2) status and her children were denied status all together. This situation prompted Sharon McIvor to begin her battle. Seventeen long years into her quest for recognition, in July 2006, Sharon McIvor received a letter from the Department of Justice acknowledging that the registrar had made a mistake and that she was entitled to section 6(1)(c) status and that her son now had section 6(2) status.

Sharon McIvor, however, was not pleased with this outcome. Although she and her siblings were all now section 6(1) status, her brother's children were also granted section 6(1) status and his grandchildren were granted section 6(2) status. Sharon McIvor's son, on the other hand, was granted section 6(2) status and Sharon McIvor's grandchildren would be denied status all together.

Despite the fact that Sharon McIvor and her brother were born from the exact same set of parents, her brother was in a better position solely because of the fact that he was a male. Sharon McIvor expressed her discontent to the committee:

It is quite bizarre that my brother, who as I said did absolutely nothing, is all of a sudden in a better place only because he is a male.

... I was seeking equality, all of a sudden my male siblings got better equality than I did, or they got better status than I did, and I have no equality.

On the issue of 6(1) status, I believe that in order to fully address the issue, I am entitled to 6(1)(a) status, and my son is entitled to 6(1)(a) status. That is the only thing that will bring full equality to my situation.

Honourable senators, Bill C-3 will indeed grant Sharon McIvor's son section 6(1) status, to which he is entitled. However, I think it is foolish to believe that Sharon McIvor was fighting this battle solely for this purpose.

After hearing her heartfelt testimony, it has become clear to me that Sharon McIvor was not fighting only for her son's birthright, but instead she was fighting on behalf of all Aboriginal women across the country that are routinely denied basic human rights.

Sharon McIvor, in her testimony, urged us all to recognize that Bill C-3 did not take into account the illegitimate daughters of Indian men. She explained that a court case in the late 1950s, early 1960s, stated that a male descendant of an Indian man is

entitled to status. However, a female descendent of an Indian male is not. Sharon McIvor went on to explain this situation by offering the following example:

I actually have a niece and a nephew, the boy born in April of 1979 and the girl born in June of 1980. The mother is non-Indian; the father is status Indian. My nephew got status at birth. My niece did not get status until after April 17, 1985, Bill C-31. She has 6(2) status and he has 6(1)(a) status. They have identical parents; the only difference is male and female. It stays that way. She cannot pass her status on her own right like her brother can, because she is female.

Honourable senators, if Bill C-3 is an act that supports gender equality, then how is this situation acceptable? How can we support a bill that allows for discrimination based on sex? I understand that there is a perceived urgency to pass this particular bill. However, I think it is important that we all recognize the fact that it took Sharon McIvor 20 years to reach this point. She has fought and continues to fight to ensure that the rights of Aboriginal women are equal to those of Aboriginal men.

Sharon McIvor's lawyer made a statement at the committee that continues to echo through my mind. Her lawyer, Gwen Brodsky, stated:

Bill C-3 and the exercise we are engaged in today make me very ashamed as a Canadian. It seems that we are having a conversation about whether it is acceptable for Parliament to put its seal of approval on discriminatory legislation. Is this Canada in 2010?

• (1440)

Honourable senators, this is not the Canada that I have come to love. Canada is a country that champions human rights. We advocate for women's rights all over the world. Why is it that we allow women living within our own borders to be discriminated against in this way?

Throughout my career, it has become painfully clear to me that in our country the rights of Aboriginal women are often inferior to the rights of non-Aboriginal women. This is unacceptable. We cannot allow this to continue. The rights of a woman, regardless of her religion, race or culture, are always equal to the rights of a man. This is not only a Canadian value; it is a universal value that we have a duty to uphold.

Honourable senators, I urge you all not to support Bill C-3.

Hon. George Baker: Honourable senators, I have just a few words concerning this legislation and to suggest to members of the Senate that the bill be passed, on division, for the following reasons.

Honourable senators will be interested to know that the bill cannot be amended, according to a judgment of the Speaker of the House of Commons. The bill came to the House of Commons, was amended in a committee of the House of Commons, and came back to the House of Commons at report stage, where the Speaker ruled that all amendments that were put in by the committee were out of order in that they did

not meet two conditions. First, the Speaker said it must be within the four corners of a ruling by the Court of Appeal of British Columbia. Second, the Speaker said that because of that, because of what he called the "restrictive nature of the ruling of the Court of Appeal of British Columbia," it could not be changed in such a manner as to qualify any further persons than those approved at second reading in the House of Commons.

It is a very interesting ruling, and I think it is a precedent as far as rulings go. It allowed for minor changes in wording as far as the title of the bill is concerned, or minor grammatical changes, but it did not allow the bill to be extended any further than that approved at second reading by the House of Commons.

The amendments at the committee, which I think received general support, passed the committee and were ruled out of order for that particular reason. As the previous speaker noted and as the mover of the motion, Senator Brazeau, noted, it concerns questions of a violation of the Charter, namely section 15, on the basis of sex.

Honourable senators, what happened is that a case took 20 years to go through the courts, stemming from an amendment to the Indian Act that we passed in 1985. I remember it well. I sat on the Justice Committee in the other place in the early 1980s that dealt with this case. An error was made in that bill, as sometimes happens. As honourable senators know, we always ask representatives from the Department of Justice who attend committee meetings, "Has this passed or would it pass Charter challenge?" The Charter came into effect in 1983, but there was a three-year delay in the implementation of section 15 of the Charter, the section on discrimination. The opinion that was received at the time by the Senate and the House of Commons was that this would pass Charter scrutiny. It did not.

The case started in the courts in about 1989. It started at the lower court in British Columbia. One would think that it would have started, as Senator Angus would have suggested, in the Federal Court because the Federal Court, as honourable senators know, has exclusive jurisdiction to deal with matters that pertain to decisions of cabinet ministers, designates of cabinet ministers or quasi-judicial bodies that pass judgment on federal legislation.

It started in the lower court. Of course, the Department of Justice represented the federal minister in these actions. The department put up barriers to the hearing, which is normal. They move motions to strike; they move motions that the affidavits are improperly worded; they move motions that the documents were not presented properly and so on in pretrial arguments. The matter took 20 years.

It was finally pronounced upon in 2007 by a Superior Court judge in British Columbia, which ruling said that there is rampant discrimination — these are my words, not the judge's words. To encapsulate it, it involved discrimination to such a scale that if you were a descendant of a woman, you did not have the rights that your descendants would be granted if you were a descendant of a man. The Superior Court judge in British Columbia, in the opinion of a reasonable person reading it — it was an extensive judgment of some 70 pages — addressed the problem overall of the act. The judgment said, "Yes, we agree with Ms. McIvor," who, by the way, honourable senators, when she appeared before the Senate committee and other committees, did not mention the

fact that she was a lawyer herself. She did not mention that she was a professor of law. She did not mention that she had a doctorate. She was very well versed in the law, as was her lawyer, who has appeared before the Supreme Court of Canada many times on human rights issues.

You had a judge declaring that here is a general discrimination. You then had the Court of Appeal turn around and — without becoming too specific here because it is complicated — what the Court of Appeal said, as a bottom line, is that you cannot argue someone's Charter violation unless it is your Charter violation. In other words, you cannot go before a court and say, "So-and-so's Charter rights were violated." No, the rule is that it is your Charter violations that were violated. What are the ramifications of that?

The Court of Appeal said that in order to solve this discrimination, a minor change could be made. It was not minor. As Senator Brazeau says, 45,000 people would benefit from this bill, which should be passed now, and I agree with him on that, but that is the change that should be made. In other words, the Court of Appeal said we will restrict it to what her rights were in correcting this discrimination, leaving out all of the other persons who were discriminated against as a violation of section 15 of the Charter. That was the ruling of the Court of Appeal.

• (1450)

Along came the bill in which the Court of Appeal gave the government until this past April to enact a change to the act. That has been extended now until January of next year, when this bill must be passed. Here we are with this bill. The committee at the House of Commons took it and said "There is a general discrimination here; let us change the act so that it is outside of the declaration of the Court of Appeal of British Columbia, but it will meet the requirements of the Charter." The Speaker ruled it out of order and said "No, it cannot meet the requirements of the rules of the House of Commons, in that it cannot go outside the parameters of the decision of the Court of Appeal of British Columbia and, thereby, it cannot exceed the parameters, even to the point of adding on any further individuals than what was approved at second reading in the House of Commons."

Your Honour, you and I know that the *Rules of the Senate* are not exactly the same as those of the House of Commons — at least the interpretation of the rules is not the same. However, our problem is, as honourable senators pointed out in the committee — and they did an excellent job in the Human Rights Committee — if we amended the bill, then it would go back to the House of Commons for approval. However, the ruling has already been made there, so it would be struck down and we would be left with the same bill again. Time would have passed, and those 45,000 people would not have received the benefits of this legislation.

Honourable senators, I think that the passage of the bill is in order. I imagine that some people on this side will say "on division," but the bill will benefit some 45,000 people.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: On division.

(Motion agreed to and bill read third time and passed, on division.)

CANADA CONSUMER PRODUCT SAFETY BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Kochhar for the third reading of Bill C-36, An Act respecting the safety of consumer products.

Hon. Joseph A. Day: Honourable senators, this is third reading debate on Bill C-36. I would like to thank and congratulate Senator Martin on the fine job that she has done in sponsoring this bill on behalf of the government and in taking it through this chamber, as well as the committee. I would also like to thank and congratulate all the other members of the committee for the work that they have done in dealing with this particular bill.

Honourable senators, there is no dispute that Bill C-36 is an important piece of legislation. I do not believe there is anyone either in this chamber or outside of the chamber who would argue that he or she does not want to keep children safe. I do not believe there is anyone who can deny that there must be measures and guidelines in place to ensure that products we acquire and use are safe. This is, therefore, by no means a partisan issue. Members of both sides are in complete agreement with the fundamental principle of this bill.

We are told that the measures and guidelines that are currently in place are out of date and in need of repair. This is a common theme that we have heard from the minister and from the department for some time with respect to the proposed consumer product safety legislation and the need for that legislation to replace Part I of the Hazardous Products Act. There is, however, as I indicated at second reading, no indication of an immediate need for this particular legislation. As has been clearly demonstrated by the minister when the previous Bill C-6 died because of prorogation and the minister did not reintroduce legislation for some six months later and then did not move on that for another three and a half months.

Honourable senators will have heard in the media recently about two actions taken under the Hazardous Products Act. The first one is a new regulation to limit lead in children's toys. This was announced November 29, just last week. Honourable senators will note that the health minister has presented new tough regulations to limit the presence of lead in children's products.

The minister pointed out that the new regulations will also give Health Canada the authority to prevent the importing or selling of a long list of products if they have lead levels in excess of the

new limits. Health Canada will also be able to take any of those products off the market if they are found to violate this regulation. That was passed under the Hazardous Products Act. That is the kind of rights and the kind of power that the minister, in her presentation to us and in her various press releases, has said she is looking for in the new legislation. We know this kind of activity can take place under the existing legislation.

Honourable senators, a second announcement came out recently, on December 1, 2010, regarding new rules for cribs, cradles and bassinets. Federal Minister of Health Aglukkaq said at a news conference last Wednesday that Canada's requirement for cribs and cradles are already among the toughest in the world and that these changes will make those regulations even tougher.

Later in that same announcement, honourable senators, it was stated that the rules will also require manufacturers and importers to keep records about the sale, advertising and testing of these unsupervised sleeping products for at least three years. That, again, is a power that the minister was looking for and about which she said that she needed the new legislation in order to acquire that particular power.

Honourable senators, there is and there was ample opportunity for us to review this legislation without any emergency and to do the job that we normally would be expected to do here.

This bill, honourable senators, proposes a new scheme of a bureaucratic or an administrative type of governance. The basis for this legislation is criminal law legislation. However, rather than go through the time-honoured process of an offence under the criminal law jurisdiction and the checks that have been built into that to protect the individual, with which we are very familiar and comfortable here in Canada, this legislation proposes a new type of administrative process. Instead of offences, it refers to "violations." That, honourable senators, is the reason this bill deserves considerable study and why it must be scrutinized at the highest degree to ensure that, under this new scheme, individual rights and fundamental freedoms are not unnecessarily interfered with.

• (1500)

Honourable senators, I will turn briefly to the bill to help you understand what is in this legislation and what we are being asked to consider, because that is how we assess whether there is overreach here; if the minister has gone too far, farther than is necessary to achieve the objectives.

I will start with section 2. There are two areas I will bring to your attention. One is the definition of "confidential business information" and the other is the definition of "government." These definitions become important as these terms are used later on.

"Confidential business information" — in respect of a person to whose business or affairs the information relates — means information that is not publicly available, that has been protected by that individual and kept confidential, and that has an actual or potential value to that individual or that business.

That definition is a classic definition of intellectual property and trade secrets, honourable senators. That is what confidential information is.

In addition to that definition, there is a definition of "government." Just as confidential information is all encompassing, likewise the definition of "government" is all encompassing. It includes the federal government, all corporations under Schedule III of the Financial Administration Act, and all provincial governments and provincial bodies. "Aboriginal government" is defined.

The area that causes me concern, and I want to understand why this area is critically important, is that the definition of "government" includes "a government of a foreign state or of a subdivision of a foreign state."

A subdivision of a foreign state, in many jurisdictions around the world, includes sovereign corporations. Business activities, businesses run by the government — and we had a lot of them — we used to call Crown corporations. Honourable senators, that portion of the definition causes me concern when I take honourable senators to the area where that word is used.

Section 14 of the act was covered recently by Senator Cordy in her statement, and I will not refer further to that section. Those of us who were here heard Senator Cordy's concerns. She is one of the members of the committee.

Sections 15, 16 and 17 deal with privacy and the disclosure of confidential business information. Honourable senators, I believe this area needs to be tightened up so that we can feel comfortable about the government determining on its own to divulge private or corporate information that is confidential.

Section 15 states that "The Minister may disclose personal information to a person or a government. . . ."

We looked at the definition of "government": a foreign entity, an entity of a foreign government. We can think of the situation that has happened recently in Veterans Affairs Canada with the disclosure of personal information of Colonel Stogran, as he then was, ombudsman for Veterans Affairs Canada. He brought forward information about how the various departments used the personal information of an individual who was making a request to that particular department, without that individual knowing.

It is the knowledge. If someone knows their information is to be disclosed and they have a chance to say, "That is not entirely correct, and let me tell you why it is not correct," or, in the extreme situation, if the person is informed afterwards that their personal information was made available to all these government departments or foreign entities, that knowledge would probably provide the balance. However, that amendment was not accepted, honourable senators.

There are three different disclosure schemes in sections 15, 16 and 17: in section 15, no notice at all; in section 16, a confidentiality agreement with the company or the entity before the information is made available; and in section 17, a requirement for disclosure afterwards.

What we were looking for in an amendment was a provision that created the same kind of balance in each of the three sections. However, honourable senators, that balance is not what is in this particular bill. The amendment was not accepted.

I refer honourable senators quickly to section 21, which deals with verifying compliance. This provision means that inspectors can go into a property — they do not have to suspect that there is an infringement, a breach, or a violation of the act — and verify compliance. However, when they go in to verify compliance, they also can seize any product or vehicle for the purpose of verifying compliance. Furthermore, they can require the person whose product was seized to move that product somewhere else at that person's own expense.

Why is it necessary for this legislation to go that far? Why would inspectors not have the right to seize certain samples to verify; and then, if there is a breach or violation, they take the necessary steps?

There is no requirement for a warrant to enter into and over private property. The requirement for a warrant appears only with respect to dwelling houses, and then it is a weak warrant provision of *ex parte*, meaning that the warrant can be obtained without anyone knowing about it, without the knowledge of the person whose property will be violated, and without any representation there.

This area is another one where we had asked for a warrant in the cases where it is reasonable to have a warrant before entry. In the extreme situation, we have always recognized that the minister may have to act quickly. However, in the normal course, there is no reason why there cannot be the same kind of warrant provision that we are familiar with on other bases, where there must be reasonable grounds that there is something going on; that there is a violation of some provision of the act or the regulations.

Honourable senators, sections 41 and 59 highlight the difference between the administrative approach and the court judicial approach. Section 41 clearly states that in the case of an offence, due diligence is a defence. Section 41(2) states that due diligence in a prosecution for an offence is a defence. If someone has done everything they can do, if they tried to prevent this from happening and they had all the checks in their programs, but something happened, that is due diligence, and that is a defence.

Under the administrative scheme set up here to replace the judicial scheme, the opposite is the case because section 59 states that it is not a defence if the process is by way of a violation by the administrative route. If the defence is good enough, over many centuries, to have been developed in a criminal law process, then why is it good enough in this administrative law process? That is another question we asked. We tried to amend the bill to provide for that defence, but it was not accepted.

Honourable senators, there are many other items I could bring to your attention such as redundancy, unnecessary words that appear that should not be there.

• (1510)

The reason we are trying to clean this up is to prevent some wise lawyer two, three, 10 years down the line from pointing out an inconsistency causing the legislation, as it will be presumably at that time, to be unable to stand and therefore be struck down. Part of our job here is to try to prevent that, to be that check on the rough-hewn product that comes from the House of Commons

through that confrontational partisan body to this body where we can fine-tune it, provide that sober second thought, and determine how it might impact areas that have not been considered previously. Honourable senators, I do not think this has been done. We have failed to do our job in this chamber as a chamber of sober second thought.

Honourable senators, we have an obligation to ensure that legislation referred to us is carefully considered. Unfortunately, honourable senators, I do not feel we have considered this bill to the extent that it deserves or requires. The Standing Senate Committee on Social Affairs, Science and Technology held two meetings, and three quarters of the witnesses at those two meetings were government officials who were there to tell about all of the positive points in this legislation. Honourable senators, our job is to ensure that legislation that has potential impact on the public does not adversely affect the people to whom it will apply. We have to hear from those Canadians, honourable senators, and we did not do that to the extent that I respectfully suggest we should have.

Honourable senators, immediately following that second meeting, when we had one panel of four or five outside people telling about this bill, we proceeded to clause-by-clause consideration. That was in spite of objections from some honourable senators, and the reason for that, honourable senators, is that those of us who objected felt that we deserved the opportunity to consider the information we had just heard.

In order to proceed with the clause-by-clause consideration, it was necessary to extend the sitting time, and that sitting time was extended without the permission of either whip in this chamber and to the objection of certain senators who had to leave because they had other commitments. That, honourable senators, helps paint a picture of what happened in this particular area.

Honourable senators, my office has received almost 1,000 emails requesting that the Standing Senate Committee on Social Affairs, Science and Technology take the time to hear from witnesses who are familiar with the proposed legislation and to consider carefully the powers being sought by the government and ensuring that they are necessary and desirable.

Mr. Shawn Buckley was recommended as a possible witness, but the senators on the government side have refused to hear from him, and I asked myself why. Mr. Buckley is a very reputable constitutional lawyer and is highly qualified, probably one of the most qualified on this proposed legislation of anyone in Canada. We heard from Mr. Buckley in the previous version of this bill when it was Bill C-6, and he was very informative and insightful. Naturally, when the bill was reintroduced, he was the person we immediately suggested should be brought in to discuss the changes, those changes that were not made, as well as to enlighten us on the strengths and weaknesses of this new legislation being proposed. Unfortunately, the Conservative senators unanimously voted down Senator Cordy's motion to allow Mr. Buckley to appear before the committee.

Senator Mercer: Shame.

Senator Tardif: Shame.

Senator Day: Honourable senators, I made a second motion to extend the hearing times for one more session to allow additional outside witnesses to be heard. Sadly, this too was defeated unanimously by the Conservative majority on the committee.

Honourable senators, I received 10 written submissions regarding Bill C-36 from organizations whose submissions could have been very helpful to us. They were from the Asper School of Business at the University of Manitoba, Canadian Consumer Specialty Products Association, Canadian Consumer Product Safety Coalition, Canadian Toy Association, Canadian Environmental Law Association, Health Action Network Society, Natural Health Products Protection Association, David Suzuki Foundation, Consumer Interest Alliance Inc. and Johnson & Johnson Inc.

Honourable senators, allow me just quote from the Health Action Network Society:

Our organization has been told that we are unable to make a presentation to your Committee on Bill C-36, and have been asked to write to you instead. There is something missing when you cannot meet face to face, unfortunately, but here are our points:

Honourable senators, that letter is typical of the letters we received concerning this proposed legislation. These people were cut off for some reason from coming, and many of them would have told us that this legislation was improved over the previous legislation but there were certain other portions that should have been made.

Honourable senators, this should illustrate to us that we have not done our job on this bill. It should also indicate that we have offended a large segment of society by rushing this process for no reason. There was absolutely no reason to rush this process because we all agreed —

Senator Mitchell: However, they might prorogue again.

Senator Day: — with the fundamental principle. The principle of the bill was universally agreed upon. It is difficult to understand why partisan politics should interfere with ensuring that the bill gets the attention it deserves, honourable senators.

Some Hon. Senators: Hear, hear!

Senator Day: Instead of considering the amendments and motions put forward, we were accused of “ragging the puck,” as if it were not our job or duty to be sure and certain that all the provisions of the bill were carefully thought out and that we have a final product that is the best we could have and in the best interests of Canadians.

Bills, honourable senators, and proposed legislation are the first order of business of this chamber I put to you, not policy reports. Something is out of balance when a committee can spend countless meetings on policy studies and drafting a report thereafter but can only hold two meetings on a bill that will affect Canada for many, many years to come.

This bill has come a long way, honourable senators. Since it was introduced as Bill C-52 and later Bill C-6, many of the amendments put forward by us were made, and we thank the government for doing so. However, I must reiterate that I do not feel that we, as senators, have done the best we can do with this particular bill.

I proposed several amendments at committee, all of which were voted down without debate, without discussion and, regretfully I must say, with very little understanding. We then hurried through the clause-by-clause consideration, honourable senators. The reputation of the chamber is dependent on us fulfilling our duty as senators, and in failing to do so we have not given this bill the consideration it requires to be a sound piece of legislation.

Honourable senators, we have heard discussions in this place — Senator Comeau just yesterday — talking about practice and how practice is important. Practice is not the written rules but rather the traditions, the customs of this place in terms of extending time, in terms of showing courtesy to other fellow senators who might have other things to do. That is what makes this chamber work, honourable senators, not the rules but all of the other practices and traditions and courtesies that we show to one another.

I know we are in this chamber now adjusting, we on this side adjusting to the important role of opposition and you on that side adjusting to the equally important role of how to handle majority power. I understand that, however, I very much look forward to the time when we get through this transition period and get back to showing the courtesy for one another that is important and to doing the job that is important in this place.

• (1520)

Hon. Jane Cordy: Would the honourable senator take a question?

Senator Day: I would be pleased to.

Senator Cordy: I was very pleased that Senator Day clearly told the chamber what it was like being on the committee when it was very challenging. We are supposed to be the chamber of sober second thought and, indeed, that was not the case during the committee hearings. It was very frustrating that three of the four panels we heard, as the honourable senator said, were made up of government officials, who were, of course, talking in favour of the bill because that is their job. On one panel, which made up 25 per cent of the panellists whom we heard from, the witnesses were from outside of government. That does not seem like a good fit to me.

When Senator Martin spoke the other day, I spoke about the term “foreign entities.” I am sorry that I do not have a copy of the bill before me, so I cannot cite the exact clause it is in. However, I am concerned about the term “foreign entity” and that a foreign entity could initiate a complaint. There is no definition of “foreign entity” in the bill. There are many definitions in the bill, but that one does not appear.

With respect to how a complaint can be initiated, if I say a foreign entity is a foreign government, I can accept that because governments should be working together to ensure that the

products are safe. However, on the one panel of non-government witnesses we did have, two of the witnesses expressed concern that foreign entities may mean private businesses in another country who may be making mischief and, in fact, just saying that perhaps a product made in Canada was not safe just so that their own products would have a better market within Canada.

Does the honourable senator have a better definition or feel for what the term “foreign entity” means within Bill C-36?

Senator Day: I thank Senator Cordy for that question. I was here when she asked that question of Senator Martin, as well, and I referred to it earlier on. It is in clause 14 of the bill. Clause 14(1)(d) states that the minister can initiate a recall based on a recall or a measure that is initiated for human health or safety reasons by a foreign entity. That is one of the places where the term is used.

Senator Cordy has expressed a concern about an entity doing this for mischief reasons, for example, having a small recall in a particular area to get a competitive product off the market. That is a concern, and the real concern is that the term is not defined and thereby leaves it wide open for inspectors and government people to take actions and say that it was based on a foreign entity activity.

If one looks at the definition of “government,” it is so terribly broad that it includes so many subsections of government operating in foreign areas. “Foreign entity,” I would say, would be interpreted as something broader than that, and that is just virtually every group, organization, company or business anywhere in the world, quite frankly. It is troublesome.

Hon. Tommy Banks: I ask all senators, if they can, to place before them, please, a copy of Bill C-36, because I am about to make an amendment. I want honourable senators to see exactly what I am talking about.

Before I get there, I want to reiterate some of the things that Senator Day has said. The government is going down what could be a very slippery slope here, as Senator Day has explained to us, by moving things that were previously considered offences in criminal law into a new regime called “violations.” Those would be violations under regulations, the guilt of which is determined by a process, which, if one reads this bill carefully, allows for no possibility that a person, having been issued a notice of violation, can ever be found not to have committed the violation, regardless of what representations at any level the person so charged makes.

In addition, there is the matter that Senator Day referred to that is very important in that connection. The things that are now called “violations” and not “offences” are, in this act, made not susceptible of a defence in common law. In common law, we have always been able to defend against a charge of an offence by reason of having done demonstrable due diligence or by demonstrating that we reasonably believed in facts, which, if they were true, would be exculpatory. We have always been able to do that.

Now here are these “violations,” not offences, in which this bill states the defence of common law, of due diligence, or of having believed in facts, which, if they were true, would be exculpatory, is

no longer applicable. One cannot use the common law as a defence here. That is the beginning of a slippery slope, honourable senators. I hope we are not going down this staircase.

There is another matter in here. I am sorry to have said this so many times before, but we are used to constabulary authority being given to people who have some demonstrable capability, expertise, training or ability in that respect. In this act, inspectors are named who have all kinds of access to search and seizure and can obtain ex parte warrants. They are persons, not peace officers, constables, game wardens, fisheries officers, immigration officers, customs officers or anybody who has any demonstrable measure of capability and expertise to carry out the role of “inspector,” and could come into one’s place of business on occasion without a warrant.

Nobody would mind if someone goes into a store that is trading in something that it ought not to be trading in. This bill is not about only cribs and lead in toys. It is about consumer products. If someone is selling something that is unsafe, will make people sick or harm people, we ought to have someone who can go in and seize things right now. Nobody argues about that.

However, if one is an owner of a business that has 15 stores, and one has an administrative office on the 15th floor of a building where nothing is being sold, is it reasonable that an inspector should be able to come into that place of business without a warrant, take everything on one’s computer, use one’s printer to print it out, and seize all that material? I have some problems with that.

I will come now to my amendment, and it is something that Senator Day referred to as well, that I want honourable senators to read.

• (1530)

Please turn, if you will, to page 9 of the bill, in clause 15, which is headed: Disclosure of Information by the Minister. This is private information.

Please read with me section 15 and then section 16. First, we will read section 16, because it is okay.

The minister may disclose confidential business information —

— intellectual property —

— to a person or a government that carries out functions relating to the production of human health or safety or the environment — in relation to a consumer product —

That is fine. It is restricted to this.

— without the consent of the person to whose business or affairs the information relates and without notifying that person if the person to whom or government to which the information may be disclosed agrees in writing to maintain the confidentiality of the information and to use it only for the purpose of carrying out those functions.

Terrific; it circumscribes the kind of information it can be given — it has to have something to do with consumer affairs — and it requires that the minister obtain an undertaking that the foreign government of Liechtenstein will use that information only for the purposes that it was intended, and to keep it otherwise confidential.

Now look at section 15(1). We have seen in section 16 the protections that are given to businesses and corporations, and we have seen the circumscription in the kind of information that can be given. Now let us read section 15(1).

The minister may disclose personal information —

— which is described earlier as being everything about you —

— to a person or a government that carries out functions relating to the protection of human health or safety without the consent of the individual to whom the personal information relates if the disclosure is necessary to identify or address a serious danger to human health or safety.

There are no further undertakings. There is no requirement to keep that information confidential on the part of the recipient government. When the minister decides to give this to the Government of Guatemala, the Government of Guatemala can do whatever it likes with the information.

I urge honourable senators to consider that the protection in terms of the circumscription of the kind of undertaking we are talking about, and the undertakings that must be obtained by the minister from the foreign government or entity to whom the information is being disclosed, ought to be no less for an individual Canadian than it is for a Canadian corporation. Individual Canadians deserve the same kind of protection as that given to Canadian corporations.

The Privacy Commissioner has said it is all covered, and Senator Martin told us that when I asked this question earlier; she said it is covered in the Privacy Act. It is, but the coverage in the Privacy Act is tautological. Here is what it says:

The purpose of this Act is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution . . .

— section 8(1) of the Privacy Act states:

Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.

Section 8(2) states:

Subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed

(b) for the purpose in accordance with any Act of Parliament or any regulation made thereunder that authorizes its disclosure;

— so there is no protection —

(f) under an agreement or arrangement between the Government of Canada or an institution thereof and the government of a province, the government of a foreign state, an international organization of states or an international organization established by the governments of states, or any institution of any such government or organization, for the purpose of administering or enforcing any law or carrying out a lawful investigation;

(m) for any purpose where, in the opinion of the head of the institution,

(i) the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure,

I could go on, but honourable senators, I have read this from stem to gudgeon and it is tautological. It is covered and under this bill, it says you can give whatever you want to whomever you want. There is no protection under the Privacy Act here.

MOTION IN AMENDMENT

Hon. Tommy Banks: Therefore, honourable senators, I take pleasure in moving:

THAT Bill C-36 be amended in clause 15, on page 9,

(a) by replacing line 13 with the following:

“information in relation to a consumer product to a person or a government that”; and

(b) by replacing lines 17 to 20 with the following:

“relates only if

(a) the person to whom or government to which the information may be disclosed agrees in writing to maintain the confidentiality of the information and to use it only for the purpose of carrying out those functions; and

(b) the disclosure is necessary to identify or address a serious danger to human health or safety.

(2) The Minister shall provide prior notice of the intended disclosure to the individual to whom the personal information relates unless doing so would endanger human health or safety.

(3) If the Minister discloses personal information under subsection (1) without providing prior notice, he or she shall, as soon as practicable but not later than six months after the disclosure, notify the individual to whom the personal information relates.

(4) For greater certainty, nothing in this”.

The Hon. the Speaker: On debate on the amendment.

Hon. Yonah Martin: I, too, wish to move an amendment.

The Hon. the Speaker: Honourable senators, the question before the house is the motion in amendment and we are on debate on that.

Senator Martin: I wish to have some time to consider the amendment and would like to adjourn the debate in my name.

The Hon. the Speaker: Honourable senators, there is no debate on an adjournment motion. Senator Martin had the floor and has moved the motion to adjourn.

Is it your pleasure, honourable senators, to adopt this motion?

(On motion of Senator Martin, debate adjourned to the next sitting of the Senate.)

BILL PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION

SECOND READING—DEBATE SUSPENDED

Hon. Bob Runciman moved second reading of Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

He said: Honourable senators, I am pleased to rise today to support Bill C-22, an act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

I think we would all agree that we bear no greater responsibility than the protection of our children. As parliamentarians, we have the privilege and honour of helping shape Canadian society so that our children can grow, learn and thrive in a safe and secure environment.

• (1540)

Canada's framework to combat child pornography is one of the most comprehensive in the world. However, we can, and must, do more to ensure that children are safe from sexual exploitation.

Senator Munson: I would like to have some order so I can hear the honourable senator.

Senator Runciman: The Internet has provided many positive opportunities for the global community. However, it has also provided new ways for offenders to distribute and consume child pornography. The Internet has resulted in a significant increase in what I believe all of us would consider disgusting material. The Canadian Centre for Child Protection, through Cybertip.ca, processes some 600 reports a month related to the sexual exploitation of children online. Let me repeat that: 600 reports a month.

This morning's newspapers drive home the need to deal with the scourge of child sexual exploitation aided and abetted through the use of the Internet. A global child exploitation investigation

launched by police in Canada and involving authorities in Germany and the United Kingdom resulted in 218 charges against 57 men, including 25 Canadians. According to police, hundreds of thousands, if not millions, of sexual abuse images were traded over the Internet by this perverted network.

These sickening photos are not abstract; they involved real victims. Police have rescued 25 children, 10 of them from Canada. Four of the children who were rescued are from right here in Ottawa, including a 4-year-old.

Honourable senators, the threat is real, the public cares about it and they feel strongly that it is our responsibility as legislators to act on this concern. That is why the new federal statute before us today focuses on the Internet and, in particular, on the distribution of child pornography over the World Wide Web.

This bill proposes to enhance Canada's capacity to protect children from sexual exploitation by requiring providers of Internet services to report child pornography. This legislation strengthens Canada's ability to detect potential child pornography offences. It will also assist in reducing the availability of online child pornography and will help identify, apprehend and prosecute offenders.

Most importantly, this legislation could help identify the victims so they may be rescued from sexual predators.

Honourable senators, this bill focuses on the Internet and those who provide Internet services to the public, because the widespread use of the Internet is largely responsible for the growth in child pornography over the last decade or so. The Internet has allowed pedophiles to form networks to traffic their revolting products.

Those who provide Internet services to the public are uniquely placed to discover child pornography crimes because they provide Canadians with a medium through which these crimes are committed. This legislation will require them to report tips about child pornography that may be available on the Internet and to notify police and safeguard evidence if they believe their service has been used to commit an offence.

This bill will apply to more than the Internet service providers, ISPs, those who provide access to the Internet through the wires and signals that go into our homes. The bill also includes those who provide electronic mail services, such as web-based mail, those who host Internet content and social networking sites where the public can upload images or other material.

The bill will also apply to those who provide complementary Internet services to the public, such as cybercafés, hotels, restaurants and public libraries. This broad scope will ensure we eliminate as many safe havens for pedophiles as possible.

The first new duty imposed on Internet service providers by this bill is to report to a designated agency any Internet address that is brought to their attention as possibly containing child pornography. To be clear, ISPs are required to report only the Internet address. The designated agency will take it from there.

At that point, the designated agency, first, will determine if the Internet address actually leads to child pornography as defined by the Criminal Code and, second, establish the geographic location of the web servers hosting the material. Once the agency has confirmed the nature of the material and its location, the agency will contact the appropriate law enforcement agency for action.

The second duty imposed on those who provide Internet services to the public is to notify police when they have reason to believe that a child pornography offence has been committed using their Internet service. For example, if an email provider, while conducting routine maintenance of its servers, discovers that the mailbox of one of its users contains child pornography, the email provider will be required to notify police.

The service provider is obligated to preserve the evidence for 21 days after notifying authorities. This provision provides police with a reasonable period of time to obtain a judicial order for further preservation or production of the evidence. After the expiry of the 21-day period, unless the time is extended by a court order, the service provider is required to destroy any information that would not be retained in the ordinary course of business.

Bill C-22 has been designed to work in concert with those provincial and foreign jurisdictions that have already introduced similar mandatory reporting requirements. Four provinces in Canada have done so.

The bill has been tailored to limit duplicate reporting for those who are already required to report child pornography under the laws of the province or the jurisdiction in which they operate.

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, it being 3:45 p.m., pursuant to the order adopted yesterday, the sitting is suspended. We will resume by 5 p.m., after a 15-minute bell.

The purpose of the suspension, as I understand it, is to allow for the unveiling of the Corbel portrait of Her Majesty Queen Elizabeth II in the foyer of the Senate. The Governor General and other dignitaries will be present, and I urge all honourable senators to attend this event honouring the Queen of Canada.

(The sitting of the Senate suspended.)

• (1700)

(The sitting of the Senate was resumed.)

BILL PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION

SECOND READING—DEBATE ADJOURNED

The Hon. the Speaker: Honourable senators, it being five o'clock, pursuant to the house order, the sitting is resumed.

Hon. Bob Runciman: Honourable senators, I will never complain about being interrupted by the Governor General.

Bill C-22 has been tailored to limit duplicate reporting for those who are already required to report child pornography under the laws of the province or jurisdiction in which they operate.

It is important to note, honourable senators, that Bill C-22 was crafted in accordance with the overarching principle that the legislation should not create new consumers of child pornography or contribute to the spread of this appalling material. The bill explicitly states that it does not require or authorize any person to seek out child pornography. Providers of Internet services will not be required to monitor their networks in order to find child pornography or to investigate the activities of their users. They will not be required to confirm the content of an Internet address after they have received a tip.

This bill does not add a substantial burden to Internet service providers. Canada's major ISPs already voluntarily report child pornography when they encounter it. This bill ensures that all other providers of Internet services do likewise. Failure to comply with the duties under the bill would constitute an offence punishable by summary conviction with a graduated penalty scheme.

For individuals — in other words, sole proprietorships — the maximum penalty would range from a \$1,000 fine for a first offence to \$5,000 for a second and, for subsequent offences, a fine of up to \$10,000 or six months jail. For corporations and other entities, maximum fines would range from \$10,000 for a first offence, \$50,000 for a second offence and \$100,000 for subsequent offences. The two-tier penalty scheme recognizes the diverse circumstances of Canada's Internet service providers.

While some might argue that these penalties are too soft, we should remember that this bill will complement existing measures to protect children against sexual exploitation, including tough sentences in the Criminal Code for child pornography offences.

Canadian laws against child pornography are among the most comprehensive in the world. According to section 163.1 of the Criminal Code, it is illegal to make, distribute, transmit, access, sell, advertise, export or import, and possess child pornography. The Criminal Code contains a broad definition of child pornography that includes visual, written and audio depictions of the sexual abuse of a person under 18 years of age. It includes written or audio material that advocates or counsels such unlawful activity or that has descriptions of such unlawful activity as its predominant focus. The Criminal Code also imposes significant penalties, including mandatory minimum sentences, for all child pornography offences. On indictment, the maximum penalty for making and distributing child pornography is 10 years in prison.

While strong criminal laws are essential to combat this scourge, they are not enough. That is why the government renewed its commitment to work with its partners through the National Strategy to Protect Children from Sexual Exploitation on the Internet. This initiative has helped over the last few years to ensure that the growing number of young people on line stay safe and that we crack down on sexual predators. The government is investing \$71 million over five years to ensure that the national strategy remains a success.

With these investments, the government is strengthening its ability to combat child sexual exploitation over the Internet through the work of the National Child Exploitation Coordination Centre, which works to reduce the vulnerability of children to Internet-facilitated sexual exploitation.

Through the national strategy, the government is also supporting the Canadian Centre for Child Protection to help young people stay safe on line through initiatives such as Cybertip.ca, which is Canada's tip line for the reporting of online sex crimes against children.

Honourable senators, I would like to quote from a recent report by Cybertip.ca which contains disturbing facts about the prevalence of online child sexual exploitation and the increasing use of younger children and more violent acts. The report states:

Most concerning is the severity of abuse depicted, with over 35% of all images showing serious sexual assaults. Combined with the age ranges of the children in the images, we see that children under 8 years old are most likely to be abused through sexual assaults. Even more alarming is the extreme sexual assaults which occur against children under 8 years old. These statistics challenge the misconception that child pornography consists largely of innocent or harmless nude photographs of children

As I mentioned at the outset of my comments, the news today that 25 child victims, one a four-year-old from Ottawa, have been rescued from horrific sexual abuse truly drives home the need to do all we can to stop the degenerates who perpetrate these crimes.

Honourable senators, I encourage you to support Bill C-22, legislation that will better protect children from sexual exploitation.

Hon. Sharon Carstairs: Will the honourable senator accept a question?

Senator Runciman: Yes.

Senator Carstairs: One issue that I do not think is being adequately addressed, although generally I think the legislation is a step in the right direction, is the vulnerability of children to other children.

• (1710)

I often hear instances of a child persuading another child perhaps to dance nude in front of a web cam. Do we have a national program to explain to children their vulnerability on the Internet and how they can protect themselves; not only how they need to be protected from others? I am reminded of programs such as "*My body is my body: Don't Touch*" and that type of program.

Does the honourable senator know what this bill or existing legislation will do to encourage that kind of programming?

Senator Runciman: I am not aware of any program of that nature, but I agree with the honourable senator that the concern is a valid one. I have heard of messages being delivered informally, but not through a formal program. It is an increasing concern because many children under the age of 18, in particular those who are very young, are being enticed to do what Senator Carstairs suggests is occurring, without appreciating the

implications of that image on the Internet being circulated around the world. The concern is a legitimate one and I encourage Senator Carstairs to raise it during the committee process. I share the concern with her and other honourable senators.

Hon. Jim Munson: Honourable senators, I will take the adjournment of the debate. I am the critic on Bill C-22 but I received notice of this bill only on Monday. This bill is good work, but I share the sentiments of Senator Carstairs that perhaps more can be done, of course, going before a committee to study this ever so briefly.

During the break, I met with Bernard Lord of the Canadian Wireless Telecommunications Association. The association is putting in place something at the corporate responsibility level to deal with "sexting." Sexting is when a young person does improper things that end up on the Internet where any one might see it, including a boyfriend. In this particular case, a young woman of 15 committed suicide.

It is a serious subject. I do not have my notes prepared but I truly want to speak to the bill and take a hard look at the issue. This bill is a good one, but I need to speak to it. Between now and Christmas, I do not think I have the time to do so. Therefore, I take the adjournment of the debate.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Senator Runciman just finished his speech on the bill. Generally, we permit questions to be asked because he moved second reading. Will Senator Munson agree to other honourable senators asking questions of Senator Runciman today? By no means will this side deny Senator Munson taking the adjournment.

Senator Munson: Absolutely.

Hon. A. Raynell Andreychuk: Honourable senators, for the record, the Standing Senate Committee on Human Rights has been studying the issue of sexual exploitation, and there is a great deal of evidence within that committee. The committee has yet to put their report forward, but it deals with the issues of children enticing other children, and the whole issue of new technologies and how they have made children vulnerable. The valuable evidence can be applied to the committee that will consider Bill C-22, which I anticipate being the Standing Senate Committee on Legal and Constitutional Affairs.

As well, parents need to be educated about what tools children are using; this education is extremely important. Cybertip.ca has been involved in such education.

Several years ago, a bill was before the Standing Senate Committee on Legal and Constitutional Affairs. At that time, Internet service providers said that they simply could not manage monitoring their own services and systems, therefore, nothing mandatory was put in place. The system was more a voluntary scheme. This bill addresses more forcefully that some responsibility must be taken by Internet service providers.

My question is: What is the test for a reasonable response from Internet service providers? Is it due diligence and, if so, who defines it? Will it ultimately be decided within the courts or will it be within the industry?

Senator Runciman: My suspicion is that it will be determined ultimately by the courts. This bill provides the industry with guidance with respect to how they should respond. As I indicated in my comments, Internet service providers are not required to monitor the service, but if they are made aware of something suspicious or through a situation where they become aware within their service that this is occurring, they will have obligations under this bill.

If the situation involves their own service, they have a requirement to report it to the police. If it is something they hear more broadly with respect to a site that might provide this sort of material, they will report it to the designated agency, which in all likelihood will be Cybertip.ca.

Senator Andreychuk: The difficulty is that we need some sort of standard for the industry, which can be self-administered by the industry. However, for the benefit of children and for Internet providers, there must be a balance in terms of what a responsible Internet service provider will do because there can be international repercussions. I hope that the committee will address the issue of having a standard and accountability. There cannot be the expectation that they will be responsible for catching each and every case. There is the definition of pornography as well, which they cannot be expected to know. There must be a better standard and a better adherence than there is presently. I trust that is what the honourable senator is saying in his comments.

Senator Runciman: Honourable senators, four provinces have passed somewhat comparable legislation. I believe that Nova Scotia and Manitoba have enacted it, and Alberta and Ontario have yet to proclaim the legislation.

In Manitoba, the legislation has been in force for one year and the province has seen a 120-per-cent increase in reported concerns, if you will, with respect to this activity.

A track record is being built with respect to provincial legislation that is already in place. That record will help to guide us during committee hearings as well.

(On motion of Senator Munson, debate adjourned.)

SUSTAINING CANADA'S ECONOMIC RECOVERY BILL

SECOND READING

Hon. Elizabeth (Beth) Marshall moved second reading of Bill C-47, A second Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures.

She said: Honourable senators, I am pleased to move the sustaining Canada's economic recovery act at second reading in the Senate. Allow me to bring honourable senators up to speed on where things stand with respect to the economy.

I am sure honourable senators will know that our government has been extremely busy putting in place year two of *Canada's Economic Action Plan*. We put this plan in place to help create

jobs and economic growth and we have done so quickly and effectively. In the words of Auditor General Sheila Fraser, who reviewed the way the government handled the *Canada's Economic Action Plan* in her latest report:

I would give the government high marks. . . . They paid a lot of attention to managing the risk around that, and I think they deserve a lot of credit for that.

• (1720)

In so doing, we have provided a model for other countries to follow. Canada has created an effective road map to economic recovery, both in how we prepared before the downturn and in the way we responded after it arrived on our shores.

As a result, the decline in our economic output was the smallest in the G7. We have seen our economy grow for the past five straight consecutive quarters. We have recovered all the jobs lost during the course of the recession, with over 440,000 jobs created since July of last year.

As well, the International Monetary Fund and the Organisation for Economic Co-operation and Development project that Canada will lead the G7 in growth in the years ahead. Indeed, the International Monetary Fund declared "Canada's standing as the strongest fiscal position in the G7," and said our government's economic policies were "welcome, growth-friendly measures to support Canada's long-run economic potential."

Honourable senators, we can listen to the *Wall Street Journal*, which recently noted that Canada

. . . has pulled through the downturn in better shape than most of its peers, with the healthiest banking system and the strongest economic recovery in the Group of Seven wealthy nations.

That being said, the economy remains fragile, as witnessed by the present challenges facing European countries such as Ireland. We are not an island. What happens outside our borders will continue to affect Canada. This effect is especially true with of what happens in the U.S., as 75 per cent of our exports go to the United States. That is why our government's number one priority remains the economy; protecting and creating jobs, economic stability and financial security.

That is why we continue to move forward with *Canada's Economic Action Plan* through the sustaining Canada's economic recovery bill. The bill, which includes measures from Budget 2010, represents a key component of *Canada's Economic Action Plan* and will provide real benefits for families, consumers, businesses and taxpayers.

The proposed act includes measures to help Canadian families get ahead by indexing the Working Income Tax Benefit; allowing registered retirement savings plan proceeds to be transferred to a registered disability savings plan on a tax deferred basis; allowing a 10-year carry forward for registered disability savings plan grants and bonds; implementing employee life and health trusts reform; and further strengthening federally regulated pension plans.

The bill also includes measures to cut red tape by helping registered charities with disbursement quota reform; by allowing taxpayers to request online notices from the Canada Revenue Agency; and by reducing the paperwork burden for certain taxpayers.

Bill C-47 also includes measures to close down tax loopholes by targeting tax incentives better for employee stock options and addressing aggressive tax planning related to tax free savings accounts.

The proposed act also includes measures to protect consumers by improving the complaint process for consumers when dealing with the financial services industry.

Finally, the bill includes measures to promote clean energy by expanding access to accelerate a capital cost allowance for clean energy generation.

Honourable senators, I will take a moment to highlight a few of the measures I have mentioned, starting with the improvements to the registered disability savings plan.

We must never forget the most vulnerable in our society. We know Canadians with disabilities make significant contributions to our communities and to our economy. Last March our government ratified the United Nations Convention on the Rights of Persons with Disabilities. This convention promotes the full inclusion of persons with disabilities around the world.

We support Canadians of all abilities, all across this great country. One of the most important actions our Conservative government has taken in support of persons with disabilities has been the creation of the registered disability savings plan, RDSP, which was announced in Budget 2007.

The RDSP helps parents and family members provide long-term financial security for a severely disabled child. Today's act includes two proposals to further improve the RDSP. Under the current rules for registered retirement savings plans and registered retirement income funds, RRIFs, the proceeds of a deceased person's RRSP or RRIF may be transferred on a tax-free basis to the registered retirement savings plan of a financially dependent infirm child or grandchild.

To give parents and grandparents more flexibility in providing for a disabled child's long-term financial security, today's bill proposes to allow the proceeds of a deceased individual's RRSP or RRIF to be transferred on a tax-free basis to the registered disability savings plan of a financially dependent infirm child or grandchild.

As a second improvement to the RDSP, today's act also proposes to allow a 10-year carry forward of Canada's disability savings grant and Canada disability savings bond entitlements in an RDSP. This carry forward is in recognition of the fact that families with children with disabilities may not be able to contribute regularly to their plans.

Ms. Tina Di Vito, director, retirement strategies, BMO Financial Group, has heralded these changes as fantastic measures. I will add, honourable senators, that Ms. Di Vito

testified before the Standing Senate Committee on National Finance on Tuesday morning and it was a fascinating exchange regarding the RDSPs. She added:

With the RDSP, Canada is leading the world in showing how smart policy can help provide financial security and independence for people with disabilities.

... the benefit will be huge., allowing more people with disabilities to live more comfortable and independent.

The RDSP is giving Canadian families peace of mind by helping them save for the long-term financial security of a loved one with a disability, and these two important changes will further that goal.

Honourable senators, staying with our Conservative government's role of providing assistance to those who need it most, all parliamentarians should recognize the invaluable role that charities play in communities across Canada.

Since 2006, our government has acted decisively to support charities and facilitate the great work they do. Indeed, in our first budget we introduced an exemption on the capital gains tax associated with the donation of publicly listed securities to public charities. In Budget 2007, we extended this exemption to donations of publicly listed securities to private foundations.

Today's bill proposes another significant reform. This time it is related to the disbursement quota for charities. The disbursement quota introduced in 1976 was intended to ensure that a significant portion of a registered charity's resources is devoted to its charitable purposes.

Many observers have noted that the disbursement quota has been unable to achieve its intended purpose as it does not take into account the varying circumstances of particular charities.

Imagine Canada, for example, believes that the disbursement quota imposes "an unduly complex and costly administrative burden on charities — particularly small and rural charities."

Today's bill proposes to eliminate all disbursement quota requirements except those related to the requirement to disburse annually a minimum amount of investments and other assets not used directly in a charity's operations. This requirement is being updated to provide charitable organizations with a greater ability to maintain reserves to deal with contingencies.

In recent years, the Canada Revenue Agency's ability to monitor charities has been strengthened through the introduction of new legislative and administrative compliance tools. These compliance tools will help the Canada Revenue Agency ensure that charitable resources are devoted to charitable purposes. These reforms will reduce administrative complexity and better enable charities to focus their time and resources on charitable activities.

The feedback we have received on this measure to date has been extremely positive. For instance, the Salvation Army cheered it and said:

... the removal of the quota will provide The Salvation Army, one of Canada's largest charities, with increased flexibility. ... We are very pleased with this announcement. The

proposed changes will allow us to better respond to the needs of the people we serve in 400 communities across Canada.

Jeffrey McCully, writing in a recent edition of the *Ottawa Citizen*, after examining the reforms concluded:

In sum, it is clear that both the proposed changes in the law and the CRA are clearly protecting the interests of donors to charity and the charities themselves by ensuring both transparency and accountability in charitable activity.

• (1730)

Honourable senators, Canadians also remain concerned about the long-term viability of their pension plans. We are listening to their views on how we can strengthen the security of pension plan benefits and ensure the framework is balanced and appropriate.

Almost a year ago, the government proposed reforms aimed at federally regulated private pension plans. In early 2009, the Parliamentary Secretary to the Minister of Finance embarked on a cross-country tour consulting with Canadians on federally regulated pensions.

From what we heard across the country, our government came up with some strong, practical changes to strengthen our federally regulated pension system. These reforms will protect pensioners by requiring companies to fully fund pension plan benefits on plan termination and make pensions more stable.

The sustaining Canada's economic recovery bill will further implement these changes to ensure we have a strong pension system in Canada.

With the challenges faced by Canadians, particularly seniors, they should rest assured that our Conservative government stands with hardworking Canadians, who are counting on their pension plans for a stable retirement. We are taking the steps necessary to make sure Canada's pension framework remains strong.

Honourable senators, as I mentioned at the beginning of my speech, our government is reducing taxes for Canadian families. In Budget 2008, we introduced the single most important personal savings vehicle since the introduction of the RRSP: the Tax-Free Savings Account, or the TFSA, as we know it. This flexible, registered general purpose account has allowed Canadians to watch their savings grow tax-free. It was the first account of its kind in Canadian history. For those of you who have not yet taken advantage of a TFSA, let me quickly review the benefits.

First, Canadians can contribute up to \$5,000 every year to a registered Tax-Free Savings Account, plus carry forward any unused room to future years. Second, the investment income, including capital gains earned in the account, will be exempt from income tax even when withdrawn. Third, Canadians can withdraw from the account at any time without restrictions. Better yet, there are no restrictions on what they can save. Finally, to ensure no loss in a person's total savings room, the full amount of the Tax-Free Savings Account withdrawals may be recontributed to the account in any future year following the year of withdrawal.

The proposed amendments in today's bill respond to recent concerns that have arisen regarding the use of the Tax-Free Savings Account in tax-planning schemes. Specifically, the proposals will ensure that the Tax-Free Savings Account remains viable and strong for Canadians today and in the future, and the use of inappropriate transactions to draw excessive benefits are avoided.

Honourable senators, to conclude, we are reducing taxes for Canadian families, creating and maintaining jobs, and helping Canadians who are hardest hit by this global recession. The stimulus package the government is providing is one of the largest and most effective among G7 countries.

As an editorial in the *Victoria Times-Colonist* recently heralded:

The truth is that far from needing a lecture on financial management or sound public policy, Canada should be delivering one. We are not, as nearly half of Europe is, tottering on the brink of bankruptcy. Unlike the U.S., we have a system of government that faces problems rather than hiding from them. . . . Another day it might be different. But this time around the facts are plain. Our handling of the economic downturn has been an example for the world.

However, as I mentioned earlier, the global recovery remains fragile. That is why we must stay on track and fully implement *Canada's Economic Action Plan* to help ensure continued job creation and economic growth across the country. That is why we must pass the sustaining Canada's economic recovery bill.

Honourable senators, I urge all of you to join me in supporting this bill.

Hon. Joseph A. Day: Honourable senators, let me congratulate the Honourable Senator Marshall on that presentation and also to thank her and congratulate her on the work she is doing on the Standing Senate Committee on National Finance. She has been a very welcome and capable addition to our committee.

Honourable senators, this is second reading of Bill C-47. This bill was referred to the House of Commons on November 4 and was received by us in the Senate on Tuesday, December 7 of this year, which is several days ago.

Normally, honourable senators, we would go through second reading; it would then be referred to our committee and our committee would commence its study at committee, and we would report back at third reading. However, this is one of those special cases where we anticipated that it would be late coming to us. Senator Comeau took the initiative, with our consent, to allow us to do a pre-study of this particular bill. We have in fact started the pre-study, honourable senators, on Bill C-47. On November 16, we had 17 government witnesses from various departments, including Gérard Lalonde, who has come before our committee on several occasions. Mr. Lalonde is of great assistance because he is very knowledgeable on tax policy matters. We thank him for his help.

In addition to tax policy personnel, we had the Human Resources personnel, HRSDC; we had the Canada Border Services Agency; and we had representatives of the Office of the Superintendent of Financial Institutions. All of those individuals came before us to help explain the rather technical aspects of the bill.

Honourable senators, this is almost an omnibus, pick-up-all-those-little-issues type of bill that we see from time to time. They must keep a list of those in the various other financial departments. It is omnibus within those departments and not within the government generally. It deals, honourable senators, with many issues that have been outlined by the Honourable Senator Marshall. I thank Senator Marshall for going through that list. We also heard from the Bank of Montreal financial services personnel, as Senator Marshall indicated.

Once this bill is referred to us, which we anticipate will happen in the next few days, we will be in a position to deal with it on a clause-by-clause basis and to report back here the outcome of that clause-by-clause deliberation.

There is a wide range of different areas. Senator Marshall highlighted the Registered Disability Savings Plan, on which we have had extensive evidence. In the interest of moving forward and having this bill referred to our committee, I propose to deal with my observations of the Registered Disability Savings Plan evidence that we received in the pre-study at third reading.

Senator Marshall talked about charities and the new initiatives. Let me say that many of these initiatives are very positive. Some of them fine-tune programs that have been in existence for a while. For the last two years, we have had the new Tax-Free Savings Account. You put tax-paid money into it but you do not pay tax on the gain in the program. With any new program like this, there are always adjustments that have to be made. In this one, some certain tax avoidance rules had not applied and now Canada Revenue Agency feels they should apply because people were purposely overpaying. They see how it is being taken up and then they are picking up where the gaps are and rectifying them. It is perfectly acceptable and expected, frankly, that they should be doing that.

• (1740)

Honourable senators, there are many other items in this bill and I am wondering why the government has wasted an opportunity. This is a budget implementation bill at a time when unemployment is 2 per cent higher than it was during the last election; at a time when we had a \$55 billion deficit last year; and at a time when we lost 200,000 full-time jobs from the economy.

The Honourable Senator Marshall talked about creating employment, but that employment is part-time jobs and many of them are lost. The fact is that there is 2 per cent higher unemployment now than previously.

I ask honourable senators to look at the predictions and the projection of the increased base of our debt. I heard the Minister of Finance recently say, "We should be able to clean this up so we do not have a deficit in four or five years or so." It is the "or so" that is slowly being worked in here now.

If you accept the government's figures, it will be \$150 to \$200 billion more debt than we had previously. Honourable senators can calculate whatever the interest rate will be on that particular debt, but that will be a lot of money — for example, at 10 per cent, it is \$20 billion — that we will not have for other programs.

Collectively, honourable senators, we must work on programs that reduce the annual deficit and avoid repetition of this excessive spending on matters like advertising programs, and so on, and the billions of dollars spent on fake lakes and other expenditures when we know that we cannot afford those particular matters.

That is my only concern about this particular bill, honourable senators, namely, the lack of focus on what would really help the situation that we are in right now.

As the Honourable Senator Marshall has pointed out, there are provisions with respect to shared custody. That is a good idea, but that could have been worked in anywhere. The rollover aspect of the Registered Disability Savings Plan is both good and positive, but where is the focus on some of the issues that will help us with our situation today?

There were some abuses with the employee stock option, so they are trying to deal with those abuses. I have nothing against that, but why is that the big focus at this particular time? There is a capital cost allowance for set-top television boxes. Perhaps that is important to people who buy set-top television boxes to have an accelerated capital cost allowance, but I am worried about the \$55 billion deficit that we incurred last year.

An Hon. Senator: As are we all.

Senator Day: There are online notices and another interesting provision here, which is external complaints made to banks. Banks are required to join this new organization, and the government will create regulations. This group oversees complaints and deals with the complaints to the bank, but then the government says that they will also have the Financial Consumer Agency of Canada oversee the overseers. This looks to me like extensive, excessive oversight in a particular area. I do not know from where the impetus or the need for this particular bureaucracy has come; we will have to pursue that at another time.

There was a number of other what is referred to as "non-priority issues," honourable senators, such as equalization payments. If the registered education fund is not used for education purposes, then the growth portion of that becomes taxable because it was not used for education. We have a provision in here that takes up several pages to provide that the federal government can now share that bounty with the provincial governments. That is fine.

Another provision is equalization payments. About two years ago, the government said, with our new formula, if there is a particular province that gets less in equalization sharing than in previous years, we will top it up so that you do not get less. There

are provisions in here that say we will do it another year, but we do not want you to think it will be here forever. That is what is in here.

I wanted honourable senators to know what was in here so you can see that there are some worthwhile initiatives that we commend the government for taking action on, but it would have been a lot better if we could have seen some action on the real issues that confront us at this time.

Senator Marshall: Honourable senators, I would like to speak to some of the comments Senator Day made and thank him for his comments.

The Hon. the Speaker: Honourable senators, at this point we are into questions and comments of Senator Day. I understood Senator Marshall to say that she is making a comment that might even lead to a question of Senator Day.

Senator Marshall: Honourable senators, Senator Day said that he would like to see the government focusing more on the deficit and where it is going in the future. We have been discussing that in the Finance Committee. With the information that is being provided, does the honourable senator not think the government is on track with its expenditure plan?

Senator Mitchell: No, absolutely not.

Senator Day: My colleague tells me, "No, absolutely not."

I think there is a difference of opinion on a number of issues, but at least we become informed of them through our Finance Committee meetings. I appreciate the honourable senator's involvement in those meetings.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Day, bill referred to the Standing Senate Committee on National Finance.)

FIGHTING INTERNET AND WIRELESS SPAM BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Cochrane, for the second reading of Bill C-28, An Act to promote the efficiency and adaptability of the Canadian

economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act.

Hon. Grant Mitchell: Honourable senators, I find myself having to support this bill. When that began to dawn on me, I thought, "What is going on?" I remember that as recently as a year ago I supported another government bill. I thought, "How often will that happen?" Then I realized that, thanks to prorogation, it was the same bill, so I was okay. I am maintaining my pure record, I think, of not supporting more than one government initiative a year.

An Hon. Senator: You have only made one mistake, then.

• (1750)

Senator Mitchell: That is right. It has been a pretty good year.

However, now I am in tremendous trepidation when I say that I support something, because surely it will be just days before Senator Tkachuk will read back my words in Hansard, trying to make some obscure point, saying, "My gosh, the senator supports something the government is doing; it must be right."

Senator Tkachuk: I must have touched a nerve. Sorry about that.

Senator Mitchell: However, I will say that Senator Tkachuk will have much more trouble finding what I say in this Hansard than in the Alberta Hansard, because the Alberta Hansard has a search function. If only we could get a search function here. However, that is not what I am talking about.

I have enjoyed working on this bill. I had a great briefing from the department. I was surrounded by intelligent public servants. I felt secure, because there was a political representative from the minister's office just to ensure that those public servants were not telling me anything that they should not. That was reassuring.

I will say that Senator Oliver has been excellent to work with. We discussed a few issues that we felt were worthy of discussion. In fact, I think some changes have been made to this iteration of the bill that were evident after our debate of the previous bill a year ago. This underlines the importance of the work the Senate does and the fact that the government would be wise to accept our amendments and comments on these bills perhaps a little more often than they do. They have been reluctant to do that, so it is nice to see that they have done it this time.

I will not go into a great deal of detail. Senator Oliver explained the bill exceptionally well.

This is a bill designed to protect electronic commerce by prohibiting the sending of electronic commercial messages without prior consent. It is an anti-spam bill. I used to think that spam was simply too many emails. Then I became a senator,

and I get so many emails that I realized that could not possibly be it. However, I did limit my view of spam to emails, but of course it is much broader than that.

One of the key problems associated with spam is the downloading of unwanted and sometimes dangerous software. This bill is comprehensive in the way that it addresses what we have commonly called “spam.”

It is not too strong a word to say that spam is dangerous to our economy and to business. Spam is unsettling and distracting to business. It can lead to or actually involve criminal activity, so it has profound implications in that regard. Of course, spam can be a real affront or offence to privacy.

Canada, unfortunately, is one of the last Western industrialized nations — I think the third-last OECD nation and the last G8 nation — to have this kind of legislation, so it is long past overdue. We have increasing problems in relation to our reputation abroad. In fact, these problems are compounding even as we speak, with Mr. Baird in Cancun unrelentingly criticizing China, with whom we would one day hope to have good, strong trade relations, which are being jeopardized by this kind of activity. We have increasingly had problems with our international reputation over the last five years. This is at least one problem we can fix. We have had the reputation of being a haven for spammers, but we will get over that, I hope.

This is a classic case of non-partisan — or bipartisan, to use an American expression — cooperation and collaboration. This arises out of a number of events.

First — and I want to take credit for this on behalf of the Liberal Party — it was the Liberal government that established the Task Force on Spam in 2004, which ultimately led to this legislation. The process was augmented, enhanced and improved by the work of Senator Oliver, who had worked on a number of private members’ bills, and by the work of Senator Goldstein, who is no longer with us. This is the culmination of efforts from both sides, and I believe that all those involved are to be congratulated.

A number of prohibitions under Bill C-28 are worth emphasizing. This bill will prohibit the sending of unsolicited commercial electronic messages in, as I said, both emails and software. The legislation describes the meaning of “unsolicited.” The word used is “consent.” The legislation requires express consent on behalf of people to receive whatever the message is in order for it not to be defined as spam. Express consent is considered to exist only when an individual chooses to receive or opts into a process of receiving email electronic communication.

Implied consent is limited. Someone cannot assume that one has implied one’s consent, except under very limited and restrictive parameters, which is a good thing. Implied consent is intended for existing business and non-business relationships.

False and misleading representations online, including websites and various other kinds of electronic addresses, are prohibited. The use of computer systems to collect electronic addresses without consent is ruled out by this legislation. The unauthorized altering of transmission data, the installation of computer programs without consent, and the unauthorized access to a computer system to collect personal information without consent are all absolutely prohibited as well.

There are some exemptions so that this legislation does not become overly onerous and inappropriately applied. The bill only covers unsolicited commercial intent; it does not include political, family or personal relationships. The bill also allows for the automatic downloading of upgrades of legitimate software.

Several other provisions in the bill are worthy of note. Surprisingly, the bill uses a regulatory approach instead of a criminal approach. I expect the government will feel uneasy that its work is not quite complete and that there will be legislation in the future to provide for mandatory minimum sentences for whatever it is that people should not do under this bill. However, at this time, common sense prevailed to say that this should be done quickly, that it had to be done quickly, and this was facilitated. That is not to say that the bill is unreasonable in its rigour in relation to fines. An individual who transgresses the bill, or what will be the act, can be fined \$1 million; and a company that transgresses the act can be fined \$10 million.

The regulatory approach will be coordinated through the CRTC, the Office of the Privacy Commissioner and the Competition Bureau. The bill also creates a Spam Reporting Centre where harmful Internet messages can be sent and investigated by relevant authorities. It will store and analyze spam, and ensure access to the spam database by all three enforcement agencies.

The bill also includes a private right of action so that, as a consumer, a business person, a business, or an Internet service provider, one can take action against violators; and the bill provides for coordination among the three enforcement agencies and international partners.

One of the weaknesses in the bill a year ago was brought to our attention by companies like RIM. RIM met with me — the meeting is probably registered under the act as lobbying — and it was very informative. RIM pointed out that the way the act read previously, they could easily be accused of and held liable in civil courts for accessing information on what would generally be considered public websites that are used by spammers. However, the spammers could have made those websites off limits to that by simply registering them or indicating on the website that they were unauthorized if people did not have prior permission to use them. That would make it almost impossible for companies like RIM to pursue spammers who might literally be destroying their system, and to pursue them quickly.

The government listened to that input and made the point of changing “unauthorized” to language that said that it would exclude only those activities that were in contravention of an act of Parliament.

That is a happy change for companies like RIM, Research In Motion, and demonstrates a legitimate, useful and welcome response by government to that kind of input and to input from this Senate chamber.

• (1800)

For those who would be concerned, because there was concern that this could mean that companies could pursue private information, get past a certain wall or barrier to people’s personal computers, et cetera, that is not the case. This remains

limited, and I have been convinced, in the study that I have done, that in fact privacy will be upheld and certainly not jeopardized by the way in which this bill is structured.

Honourable senators, I have a couple of questions or concerns. First, if these three bodies or agencies are to make it work, they will need some money, so we will need to ensure they have adequate resources. I am concerned they may not. The government is exceptionally good at making announcements, passing bills, confusing the fact that just because it is in the press it does not mean it will actually happen.

Of course, the legislation also provides for a national coordinating body that “will coordinate public education and awareness efforts, track and analyze statistics in trends and lead policy oversight and coordination.” It sounds like a great thing we could also set up for climate change — track trends, public education, do analysis. I just had to get that in.

What sort of resources will be dedicated to this national coordinating body? Again, we want to ensure, that as important as this initiative is, this bill is supported by sufficient resources to make it work or it is nothing more than a public relations exercise and will not get us off the list of those concerned with Canada around the world and our state of review and management, if you will, of this important electronic data communication issue.

Honourable senators, if this bill gets through committee without any particular problems and we squeak through third reading without anything else coming up, I will actually vote for this bill.

The Hon. the Speaker *pro tempore*: Further debate? Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on Transport and Communication.)

[Translation]

THE SENATE

MOTION TO SUSPEND THURSDAY'S SITTING FOR
THE PURPOSE OF ADJOURNMENT OR TO RECEIVE
MESSAGES FROM THE HOUSE OF COMMONS

Hon. Gerald J. Comeau (Deputy Leader of the Government),
pursuant to notice of December 8, 2010, moved:

That following the completion of the Orders of the Day, Inquiries and Motions on Thursday, December 9, 2010, the sitting be suspended, if either the Leader or Deputy Leader of the Government so request, to resume at the call of the chair with a fifteen minute bell; and

That, when the sitting resumes, it be either for the purpose of adjournment or to receive messages from the House of Commons.

(Motion agreed to.)

[English]

CRIMINAL CODE

BILL TO AMEND—
AMENDMENTS FROM COMMONS CONCURRED IN

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Mockler:

That the Senate concur in the amendments made by the House of Commons to Bill S-215, An Act to amend the Criminal Code (suicide bombings); and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Day, for the third reading of Bill C-464, An Act to amend the Criminal Code (justification for detention in custody).

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read third time and passed.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration (*revised Senate Taxi Policy*), presented in the Senate on December 7, 2010.

Hon. David Tkachuk moved the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Hon. Joseph A. Day: I am sorry, but I do not recall having received a copy of this revised policy or having been briefed on it. Would it be possible to have a quick explanation of what it is? It is a new taxi policy?

Senator Tkachuk: The committee recommended that the current taxi policy adopted by the Senate on December 20, 1989, be repealed. We are repealing it and adding the taxi policy that we currently use.

Senator Day: Thank you, Senator Tkachuk.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

• (1810)

STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

FOURTH REPORT OF HUMAN RIGHTS COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Human Rights, entitled: *Canada and the United Nations Human Rights Council: Charting a New Course*, tabled in the Senate on June 22, 2010

Hon. Mobina S. B. Jaffer: Honourable senators, this report by the Human Rights Committee is entitled: *Canada and the United Nations Human Rights Council: Charting a New Course*.

Honourable senators, I will prepare a speech for this report next week, and I would like to use the rest of my time next week to complete my speech on it.

Hon. Gerald J. Comeau (Deputy Leader of the Government): The Speaker may help me on this report. I was not sure whether Senator Nancy Ruth wanted to speak on this one. My understanding is that if the adjournment is taken now, it will deny her the right to speak on the report next week.

Some Hon. Senators: No.

Senator Comeau: She will still have the right to speak.

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: It has been moved by Senator Jaffer, seconded by Senator Munson, that further debate on this matter be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Jaffer, debate adjourned.)

STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

SEVENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the seventh report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *A Workplan for Canada in the New Global Economy: Responding to the Rise of Russia, India and China*, tabled in the Senate on June 28, 2010.

Hon. Consiglio Di Nino: Honourable senators, this report is related to the study by the Standing Senate Committee on Foreign Affairs and International Trade on Brazil, Russia, India, and China, the BRIC countries; Brazil is in the process of being studied now. We have completed the report recently, and I have not had a chance to put it all together to be able to speak on it. I want to adjourn the item in my name for the remainder of my time.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Di Nino, debate adjourned.)

THE SENATE

MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

Hon. Vivienne Poy: Honourable senators, I want to thank Senator Day for yielding the floor to me. When I complete my remarks, the floor will fall back to him.

Yesterday, I listened carefully to what Senator Di Nino and Senator Munson said in the chamber regarding the Senate of Canada passing a motion asking the Chinese government to release Nobel Prize winner Liu Xiaobo. Senator Day will speak on this motion in relation to international law.

Today, I speak from the perspective of someone who grew up within the Chinese culture and as someone who understands its history. As a person who has always been able to say what I think publicly, I understand how devastating it must be to have one's voice silenced.

I want to state from the outset the importance of freedom of speech, which is central to human rights. I do not claim to have met Liu Xiaobo, as Senator Munson did, but I have the greatest respect for him, and I have immense appreciation for his teaching and writing. Ever since he was a lecturer at the Beijing Normal University, he has been an outspoken human rights activist.

Honourable senators, I do not believe the motion before us will do anything to help Liu Xiaobo to be freed from prison. In fact, if this motion is passed, it could make it worse for him, his family and supporters, especially if this motion is publicized and receives attention from the Chinese government.

The unintended consequences could be worse treatment for Liu Xiaobo and his family. Understanding Chinese culture as I do, this motion may inadvertently cause the resentment of the Chinese population because it will be viewed as foreign interference in internal Chinese affairs. While the Chinese can criticize their own family, they are sensitive to criticism from outside.

I ask honourable senators to think what would happen if the National People's Congress passed a motion to tell the Canadian government what to do with our internal policy. I can cite a good example when Charles de Gaulle weighed into our internal Canadian politics when he made his infamous statement, "Vive le Québec libre," in 1967.

I believe the content of this motion should be dealt with through our Department of Foreign Affairs and International Trade in ongoing diplomacy between the two governments.

Despite the fact that Western democracies value freedom of speech, we sometimes censor or attempt to silence those with whom our government does not agree. The most recent example happened last year when Canada effectively barred long-time former British member of Parliament George Galloway from entering Canada, citing security concerns, a decision later overturned by a federal court judge who declared the move as politically motivated.

This year, we had the cancellation of a speech by Zijad Delic, National Executive Director of the Canadian Islamic Congress, who was scheduled to speak to the Department of National Defence as part of Islamic History Month. Whatever we may think of these individuals, the point is that we do not accept all forms of free speech in Canada, either.

I noted that Senator Downe suggested that Senator Di Nino be sent to Norway to represent the Senate of Canada to press this issue. I want to inform honourable senators that several legislators from the Democratic Party of the Hong Kong government left for Norway yesterday to demonstrate against the incarceration of Liu Xiaobo, and to ask for his release by Beijing. They took Liu Xiaobo's books, pamphlets, photographs and postcards with them in suitcases to be distributed at Oslo City Hall during the Nobel Peace Prize ceremony.

When asked what they will do with the empty suitcases upon their return, they said they would fill them with Norwegian smoked salmon.

As legislators from Hong Kong, which is part of China, surely these individuals are better placed to have an impact on Chinese authorities in Beijing.

I believe any improvement in the internal policy of a country must come from within, and Western democracies are often misguided in thinking that they can transplant their ideal government to another part of the world that has a completely different culture and history. To me, the most effective way of influencing democratization of China is through the education of this generation of Chinese youth, many of whom are being educated in Western democratic countries such as Canada. They have brought back, and will continue to bring back, what they have learned to China, and change will come, even though it will not be tomorrow.

Honourable senators may know that Taiwan changed from a dictatorship under martial law to a democratic government without bloodshed in 1987. With the influence of Hong Kong, Taiwan and that of Western education for its youth, change will come to China. It may not happen in my lifetime, but it will happen. Considering the Chinese sense of time and history, when we compare 5,000 years of civilization to 143 years since Canada became a nation, it is understandable that Westerners are impatient with this evolution.

I remind honourable senators of the typical government response when Canadians are incarcerated abroad. Generally, Canada cites the sovereignty of other nations and the independence of their judicial processes. When Canada does have concerns, it expresses them through the Department of Foreign Affairs and International Trade because to do otherwise might result in the loss of face and in negative consequences. Diplomacy is the best option.

• (1820)

Honourable senators, in closing, I would like to reiterate that I do not believe this motion to be an effective way of influencing the Chinese government. In fact, I believe it may have an adverse effect of making conditions worse for Liu Xiaobo in China. In the end, if China is to evolve toward a more democratic state, action must be taken by the Chinese people alone, not by censorious foreigners, however well meaning they may be.

Hon. Jim Munson: Would the honourable senator accept a question?

Senator Poy: Yes, certainly.

Senator Munson: I certainly respect the point of view of the honourable senator. However, sometimes in the life of an institution, that institution must collectively make a decision.

Yesterday we discussed Mr. Liu Xiaobo, and I think sometimes that we forget how important this issue is. As a reporter, I covered Prime Minister Mulroney on the issue dealing with apartheid in South Africa. As a nation and as institutions, this country stood together, not individually, to say Nelson Mandela must be released from a prison in which he spent 27 years.

I covered a bit of that too, when I walked with Prime Minister Mulroney, whether we were in Malaysia when he stood up against Margaret Thatcher and others who said there is an evolution that must happen within South Africa. It takes institutions sometimes, honourable senators, to change.

In the case of Andrei Sakharov in Russia, or Alexander Solzhenitsyn in Russia, it took institutions to stand up. One individual senatorial voice, while it may be laudable to me, does not mean a whole lot; but collectively as an institution, it means a lot.

I mentioned that when I was in China there was a professor named Fang Lizhi. He did not have the international press, and neither does this gentleman have the international press on side. However, sometimes countries and institutions have to say, hold on just one second.

I have watched how China has progressed, I have witnessed how China has progressed and that is wonderful. However, on the issue of human rights, for Pete's sake, there is a certain time when we have to, as an institution, say, look, can we not collectively just stand up for one man, one voice, who is saying all he wants to do is reflect the constitution of China?

Take a look at the manifesto of what he has said. He is not talking about the overthrow of anything.

In my question to the honourable senator, why should we wait any longer? Tomorrow is a very significant day. Mr. Liu will not be there. His wife will not be there. Millions of Chinese will not know even that this has happened.

Honourable senators, I am not trying to preach what should change in China. I am just talking about one voice to say, let us get on with being able to have an adult conversation about extending human rights, and not being afraid.

Why is the Chinese government so afraid of one man who is sitting in a prison? Eleven years is a long time — eleven more years. As a person, he stood in Tiananmen Square. He was the man, as I said yesterday, who was trying to negotiate a peaceful resolution to what was happening in Tiananmen Square.

There was a fight within the Chinese government between Prime Minister Lee Pung and Zhao Ziyang, who was the Communist Party's general secretary and they were trying to work something out. Here was one man who said, let us try and work. Now here we are at 2010.

Senator Poy: Does the honourable senator have a question?

Senator Munson: The question is once again, as yesterday, why can we not, as a collective body, speak with one voice?

Senator Poy: The honourable senator mentioned Prime Minister Mulroney; he was the Prime Minister of Canada. That is different. Our Prime Minister has to — whatever he wants to do, and he has done — say what he wants to the prime minister of another country. This is just an institution; the Senate is an institution.

The honourable senator mentioned that many people can write in the press. I think that is effective. However, as an institution within Parliament, I believe that it will backfire. It would mean a loss of face.

Yes, I do not understand how the Russians work or how other countries work, but I do know how things work in China. This is all I am saying. I was not in Tiananmen Square when you were there, but I followed the news very closely and I do it every day. I listen to AsiaNews, I look at news in Chinese; I have listened to a lot of news and read the newspapers so I know what goes on.

I do not really believe it will work. I believe that it will backfire. This is what I am trying to say.

Hon. Consiglio Di Nino: Honourable senators, first, I, too, would like to stress that I respect the opinion of my colleagues, whether I disagree or not. That is the fundamental principle of free speech. We will always, regardless of what side we are on, defend it.

That is not happening in China. This man cannot speak for himself. If we believe in the human values, someone must speak for them.

Is the honourable senator aware that the House of Commons yesterday unanimously passed a similar resolution, which included the Prime Minister, the Leader of the Opposition, the leader of all of the other parties, as well as every member of the House of Commons? Not a single voice said no. They unanimously passed a similar resolution. Is the honourable senator aware of that?

The Hon. the Speaker *pro tempore*: The time for Senator Poy is up. Are you asking for more time?

Senator LeBreton: Five minutes.

Senator Poy: I do know that a resolution was passed in the House of Commons. I understand that it did happen.

Senator Losier-Cool yesterday raised the question of why this is not done between our two governments. I have a question for the honourable senator. What is our Foreign Affairs department doing, our Foreign Affairs minister doing in this case? I do not know. I really believe that it should be government to government when there is a problem.

Senator Di Nino: We have a difference of opinion.

Senator Poy: I do believe in free speech; that is why we all speak our mind. I do believe in it, but what I am saying is I do not want anything to backfire on Liu Xiaobo.

Senator Di Nino: I happen to agree with the honourable senator that she has the right to speak her mind and I have mine. I honestly and truly respect that.

• (1830)

It disturbs me that Senator Poy seems to have been comparing China with Canada with regard to freedom of the press, freedom of religion, freedom of speech, freedom to walk the streets or freedom to have a demonstration.

Was Senator Poy comparing China with Canada when she made her comments on those issues?

Senator Poy: To a certain extent, I was. Whenever something happens in Canada, I wonder why we do not clean up our own house before pointing fingers at other governments. It is not only the Chinese government, but other governments as well, and I will not name those other governments now.

I am sensitive to the issue when people are not allowed to speak here.

Senator Di Nino: I thank the honourable senator for her answer.

Hon. Sharon Carstairs: Honourable senators, I concur with Senator Poy. We agree that Canada should be held to a higher standard because we have a tradition of democratic practice. When we appear to go against those democratic practices, we should be held to a higher standard than a country such as China, which does not have that tradition.

I also have sensitivity to Senator Poy's position that speaking to governments from the Senate is not the appropriate thing to do. Governments speak to governments. Perhaps speaking to the Chinese parliament would be different than speaking to the Chinese government.

Would Senator Poy have been more comfortable if we had proposed a resolution to the effect that the Canadian Senate regrets that Liu Xiaobo will not be able to accept his Nobel Peace Prize in person? Would that have given her a greater level of comfort?

Senator Poy: Yes, it would, but that is not the motion of Senator Di Nino.

Hon. Gerald J. Comeau (Deputy Leader of the Government) : It has been indicated to me by a number of my colleagues, who do not happen to be in the chamber at this moment, that they wish to speak to this motion. Therefore, I move the adjournment of the debate.

The Hon. the Speaker *pro tempore*: Senator Comeau, when Senator Poy began to speak she said that she had permission to do so from Senator Day, in whose name this item stands, and that after she speaks the item would revert to Senator Day.

It has been moved by the Honourable Senator Poy, seconded by the Honourable Senator Mitchell, that this debate be adjourned in the name of Senator Day.

Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Day, debate adjourned).

APPROPRIATION BILL NO. 4, 2010-11

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-58, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

EDMONTON'S BID FOR EXPO 2017

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Banks calling the attention of the Senate to the decision by the Government of Canada in respect to Edmonton's bid for the 2017 World Expo.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it was with great interest that I listened to Senator Banks' inquiry speech on the failure of this government to support Edmonton's bid for the 2017 Expo. I share my fellow Edmontonians' disappointment and outrage at this government's decision not to support the only Canadian bid for this international event.

Since I was a member of the board of directors for both the 2001 IAAF World Championships in Athletics and the 2005 World Masters Games held in Edmonton, I have witnessed firsthand the value and benefit such events can have for a city, a province and a country. I have no doubt that Expo 2017 would have been a success, given Edmonton's stellar reputation of hosting spectacular world-class events that are always on budget.

This government has misled Canadians by stating that security costs could have been in the range of hundreds of millions of dollars. In fact, documents obtained by CTV Edmonton show that the total security bill would have been \$91 million, with the federal government being responsible for approximately \$11 million, or one ninth of the cost.

As some seem to have forgotten, Expo 2017 is not the G8 or the G20. We are looking at a low-threat security assessment for an event that would have been economically beneficial to our country. Further, as Senator Banks noted in his inquiry, most of the costs associated with Expo 2017 would have come after 2015, the year by which our Prime Minister and his Minister of Finance have indicated that we would have eliminated the deficit.

This government does not appear to care about Edmonton's aspiration to be recognized on the world stage. Not only would Expo 2017 have showcased the oil sands, but it would also have given Alberta and Canada the chance to educate millions of visitors on this subject. Not supporting Edmonton's bid further demonstrates how this government sees Albertans as nothing more than a guaranteed vote and, therefore, easy to ignore.

As Paul Marck, editor of *Alberta Venture* magazine, notes on his blog:

... there is not one shred of evidence offered by the feds over alleged high security costs of the Expo bid, other than the example of its own clumsy, fumbling ineptitude.

Marck is not alone. In a series of letters sent to the *Edmonton Journal*, many Edmontonians are voicing their frustrations. For example, Sylvia Kother of Edmonton writes:

Why should Harper and his Conservatives care about Edmonton when we vote for them regardless of what they do or say?

They had a huge surplus when they got elected as the government; they have not spent all the stimulus monies, but, hey the Prime Minister's Office and communication keeps spending more and more money to ensure the Conservative message gets out.

They are taking Edmontonians for granted.

Albertans in communities across the province are also livid. Stewart Shields of Lacombe writes:

Alberta got exactly what it deserves from this unpredictable federal government that gets their vote regardless.

Why would the Harper Tories waste federal spending on a province that will continue to return Tory MPs to Ottawa?

Better to have the type of spending Edmonton sought for Expo 2017 spent in areas such as Ontario and Quebec, that may reward the Tories for their stand.

If these letters are any indication, there is a growing sense that, to this government, Alberta simply does not matter. Further, more and more Albertans feel they are being abandoned by a government to which they have been exceptionally loyal. This feeling of abandonment can be explained by Edmonton's weak representation at the cabinet table.

In the November 23 edition of the *Edmonton Journal* journalist Gordon Kent notes that Mayor Stephen Mandel:

... pinned the blame squarely on Public Works Minister Rona Ambrose, the region's representative in cabinet, saying she didn't do enough to sell the project to her colleagues.

• (1840)

This sort of situation would not have happened when The Honourable Anne McLellan was in Parliament. The only Liberal member of Parliament from Alberta, she served as Deputy Prime Minister and was Alberta's voice at the cabinet table. As Senator Banks noted, she did not always say, yes; she knew when and how to say, no.

During her 13 years of service as an MP for Edmonton Centre, the city and the province directly benefited from the presence of a strong advocate in Ottawa. Ms. McLellan took Alberta's and Edmonton's concerns and aspirations to heart, often securing funding and government support for events she knew would be beneficial to the cities and to the province in the long run.

[Senator Tardif]

Honourable senators, what stings most about this decision is that we Edmontonians and Albertans were allowed to dream about the 2017 World Expo and what it would bring to the city. We were allowed to hope but, all of a sudden, this hope was squashed like a bug on a rug with little to no explanation.

Senator Mitchell: They are laughing.

Senator Tardif: It is no laughing matter. Edmonton was encouraged to dream and to invest money in an event that would never be. If the reason behind the government's rejection to support the bill is economic, then they should have had the gall to inform the bid committee when the bid was first developed. They could have said, "We cannot offer you the \$700 million you are asking for; but this amount is what we can give you."

If this had happened at the outset, I am positive that the 2017 World Expo bid committee and the City of Edmonton likely would have been able to find the missing funds. Instead, the bid committee was met with three years of silence with no indication that funding was even an issue.

Honourable senators, Edmonton, Alberta and Canada had much to gain from this event. The organizing committee of the 2017 World Expo were expecting major economic spinoffs, with an estimated increase in gross domestic product of \$2.6 billion, the creation of over 37,000 jobs and more than 5 million visitors.

At the same time, Alberta would have been able to showcase the New West and highlight its success in the energy sector, as well as its innovative solutions to answer tomorrow's energy needs. Unfortunately, this plan was only a dream, a dream that included celebrating Canada's one hundred and fiftieth birthday with the rest of the world.

Honourable senators, the decision of the government to kill Edmonton's bid to host Expo 2017 is both exceptionally disappointing and extremely discouraging to both Edmontonians and Albertans.

Hon. Grant Mitchell: Honourable senators, I want to address this inquiry and support the comments of Senator Banks and Senator Tardif. It seems that we cannot say enough if we are to have any hope whatsoever of getting through to this government and assisting them in understanding exactly what they have done to Edmonton, to Alberta and to the prospects of Canada in this project.

The most profoundly disturbing feature for me is the depth of lost opportunities. The world knows that these kinds of expositions are often transformative for the host countries and the host cities. One only needs to look at Vancouver in 1986 and what that event did to catapult, compound and enhance the evolution of that city's presence in the world. That presence, in and of itself, is a lost opportunity for Edmonton, which is a world-class city but has so much more promise than it has yet realized.

This particular exposition proposal by the City of Edmonton embodied another profoundly important opportunity that was captured in its theme of energy in our time. A problem is building for the Alberta energy industry, in particular the oil sands,

because the world does not understand properly the importance of that oil sands project to secure and safe oil that can be extracted in an environmentally sound manner.

In many ways the oil sands are already leaders in the world in that respect. That is not good enough; they still have more to do. This exposition would give Alberta and Edmonton a chance to showcase our energy industry in a way that is often not seen around the world — in an environmental context of strong environmental initiative and desire to do even more to strengthen that environmental initiative. Such an opportunity does not come along frequently. The 2017 World Expo would have given us the chance to grasp an opportunity and do something for that industry and for Canada.

I hope that this government will not last long enough to cause much more damage to our international reputation. It will take time for that reputation to be recovered. A well structured exposition — a window on the world — attracts the attention of people from around the world. A 2017 World Expo in Canada would go a long way to establishing our strength, presence and prestige in the international sphere.

Honourable senators, the 2017 exposition could have been the anchor for Canada's one hundred and fiftieth birthday celebrations. Remember 1967 when Expo 67 brought Canadians together from across the country to celebrate the wonder and marvel of this country and its accomplishments. The one hundred and fiftieth anniversary is equally significant, and yet this government has proposed nothing. There seems to be nothing in the works whatsoever to celebrate that event in a significant way. The 2017 World Expo was an obvious opportunity to act as the anchor for Canada's one hundred and fiftieth birthday celebrations.

Edmonton, Alberta and Canada missed the chance to have that celebration: to convey the message about what a remarkable place Canada is in general; and specifically to demonstrate how much we are doing in the energy industry for the world and within an environmental context. The event would also focus our attention in Canada and in Alberta on doing more for the environment to ensure that our presentation of those energy resources was within the highest possible environmentally sound context. All of that opportunity is lost.

The government will say that it is a question of money. If it is a question of money, it is only a question of money because this government has been so fundamentally incompetent in managing the fiscal regime of this country. There has been an \$80 billion increase in expenditures since it became government. That is a 40-per-cent increase in expenditures by a hard-nosed right wing government that said it could manage government in a fiscally responsible manner; but all of the evidence is to the contrary. It will spend \$16 billion — they say \$16 billion but we know it will be more — on jets that they have accepted without a tendering process.

What kind of fiscal responsibility is that? The government squandered a good portion of \$1.3 billion on the G8 and G20 because they cannot manage even that kind of project. The government will spend billions of dollars to build prisons that will not make us safer but in fact, will make us less safe.

What is the Prime Minister's leadership response to all of that? He increases his office budget by 30 per cent over two years. Of course, he did have leadership in that regard.

Senator Mercer: Where is he from?

Senator Mitchell: He is from Alberta.

Senator Mercer: He is from Calgary.

Senator Mitchell: We will not go there because Calgary is a fine city as well.

The Prime Minister provided leadership to his cabinet, which increased expenditures by 16 per cent. Honourable senators can see where the fiscal responsibility hens have come home to roost, as it were; and Edmonton, Alberta, is paying the price for a government that literally has squandered money.

I cannot neglect to mention the United Arab Emirates issue, whereby \$300 million was lost because of fundamental international relations incompetence. That \$300 million would have gone a long way in support of the 2017 World Expo.

Let us talk about the specific money involved in the project. The amount of \$700 million for capital expenditures and other support would be required from the federal government. The federal government said that the figure would be over \$1 billion. The difference is about \$300 million to \$400 million, which the government attributes to security costs. Even if that were the figure for security costs, those would not be entirely the responsibility of the federal government. The federal government would be responsible for about 10 per cent of them but in fact those are not the security costs. The security costs are \$91 million estimated in 2017 dollars, which would be about \$11 million for the federal government, bringing their financial responsibility and contribution in this project to just over \$700 million.

• (1850)

That is not an insignificant amount of money. Certainly, it is not an insignificant amount of money when one sees how much money the government has squandered by its fiscal incompetence. However, if one considers that it is not money that is required tomorrow, it will be spread out over seven or eight years. That sounds to me like \$100 million a year.

This government, with its 27 Alberta members of Parliament, who you would think would be able to represent their province at least to the tune of \$100 million a year, has completely and utterly let down that province, Alberta and Edmonton, and that project, for what is not an insurmountable amount of money.

Moreover, this money will be loaded at the later end — 2015 to 2017 will be a huge portion of it, and the government has said that they will balance the budget around 2014 or 2015. Does their reluctance to at least project that they could have money in 2015 to 2017 for this project suggest they do not have confidence in the projection that they would balance the budget by 2014 and have three years of presumably surplus budgets to fund this project? That is in itself a startling and ominous kind of observation that perhaps this government is just spinning its 2014 balanced budget objective.

Senator Day: That is my guess.

Senator Mitchell: Honourable senators, the other element that is disturbing is simply the way in which Edmontonians and Albertans have been treated. The minister responsible for this area was very encouraging, and in fact very explicitly encouraging to Edmonton. After Edmonton believed what this government said — Mr. Moore — they created a strong group to develop the proposal and have worked on that for several years. They spent a good deal of money in the process of developing that proposal and they were denied federal involvement and contribution with absolutely no warning. To make matters worse, the organizing committee and others had requested a meeting with Minister Ambrose on numerous occasions over an extended period of time and she simply did not have the decency to meet with them. How is it that the minister would not even meet with this important group working on this important project? What does it take?

Then, when she received the proposal, there was no effort made for them to sit down and talk about differences of opinions or assessments about the figures to determine ways in which this project might have been worked out. No, this was denial by fiat; not even the common decency to deal with the people of Edmonton, the mayor of Edmonton, the City of Edmonton in a way that was not rude, but in a way that was polite, respectful and at least try to demonstrate some understanding of the aspirations of that city.

Honourable senators, I am hearing some heckling from the leader here and it really underlines the kind of attitude that Edmontonians exactly confronted in that process. Why would Minister Ambrose not have met with them? It is absolutely true.

Then one asks the question: How is it that they could have done it in this way? How is it that they could have done it when in fact the expense is not all that onerous and when it is needed we will, if we believe the Minister of Finance, in fact have the money to do it? Why would they treat Edmontonians in this way? It is, I think, that the answer lies in politics. The things this government is competent at are political spin, politics and political strategy.

It is very advantageous politically for the Prime Minister to say to Albertans and Edmontonians that he will not give Edmonton this money. What does that do for him politically? It sends a message across the country that he is very tough on expenditure. It is an effort to obscure that fact that he has spent more money than any government in the history of this country. We have a record deficit in the history of this country, but it is an effort to spin away from that, distract people from that and send a message that he is a tough money manager. That is what he does at the expense of Edmontonians.

Of course, it also sends a message to those cities across the country that might want to get assistance from the federal government for their hockey arenas.

Honourable senators, let me mention that this is very different from a hockey arena. As I said, this is a question of aspirations and opportunities for the people of Edmonton, the people of Alberta and ultimately the people of Canada. This is a remarkable project that would establish Canada's and Edmonton's and

Alberta's presence in the world. It would reclaim some of our stature in the world and it would send a strong message about our commitment to environmentally sustainable energy in the future.

Instead, this government has sacrificed all of that, not for some higher level principle, not even a way that would be considerate of the feelings and the aspirations of the people of Edmonton and the people of Alberta; no, in a brutal, rude and inconsiderate way that puts this government's, this party's, the Prime Minister's political interests ahead of the aspirations of the people who he represents in that province. It is disgraceful and it is enormously unfortunate. I hope there is some way we can prevail upon this government to reconsider and do what is right by this project for the people of Alberta, Canada and Edmonton.

Some Hon. Senators: Hear, hear.

Hon. Terry M. Mercer: Honourable senators, I am embarrassed for Albertans from all across the province, but I am particularly embarrassed for Albertans from Northern Alberta. We can only take the Stampeders versus Eskimos and Flames versus Oilers so far, but the Prime Minister has taken it to a new level, where a bid has been made for Expo 2017, the one hundred and fiftieth anniversary of the Confederation of this country. He has stooped to petty politics to punish northern Albertans, to punish the people of the city of Edmonton because they have not consistently been loyal to him or to his party or to predecessor parties.

If you drive into Edmonton you will see a huge sign that says "Edmonton, the City of Champions." It has been the city of champions — the Eskimos, the Oilers, et cetera. They have put in such an effort. This is a community that has come together to propose this bid for Expo 2017.

Everyone in this room is old enough to remember and many of us lived the experience of Expo 67. Many of us got on trains, buses, cars and planes and went to Montreal to experience the wonderful euphoria of Expo 67. People from all across this country went to Montreal to celebrate the one hundredth anniversary of the Confederation of this country. It was a celebration for all Canadians. It happened in Montreal but everyone across the country celebrated.

Honourable senators, this is an opportunity for all of us to celebrate our one hundred and fiftieth birthday and to celebrate it in Edmonton, a wonderful city. It bothers me that this Prime Minister and this government have ignored Northern Alberta.

Quite frankly, from a political point of view, I know what I will tell people across the country during the next campaign: Do not bother voting Conservative because you do not get anything anyway. The people in Edmonton all voted Conservative, all but one seat that voted New Democrat, and they are treated this way. Twenty-seven out of twenty-eight seats are Conservative and they do this to Albertans. Shame on them. Albertans deserve better.

Where is our good friend Senator Bert Brown? Has he been defending the bid for Expo 2017? He was "elected" by the people of Alberta to represent them here in this chamber. So much for the elected senator from Alberta. I do not see him up defending the good people of Edmonton in their bid for Expo 2017.

• (1900)

Honourable senators, Albertans are Canadians. Northern Albertans are Canadians. People in the city of Edmonton are Canadians. We need, as Canadians, to stand with them and to say that we think that the bid for Expo 2017 is a good idea. This government should get onside, and they should respect and support the good people of northern Alberta.

(On motion of Senator Peterson, debate adjourned.)

RACISM IN CANADA

INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Oliver calling the attention of the Senate to the state of Pluralism, Diversity and Racism in Canada and, in particular, to how we can develop new tools to meet the challenges of the 21st century to fight hatred and racism; to reduce the number of hate crimes; and to increase Canadians' tolerance in matters of race and religion.

Hon. A. Raynell Andreychuk: Honourable senators, I am standing to indicate that I will be speaking on this matter, but Senator Oliver has indicated that there is some interest from the side opposite. Just to clarify, anyone can speak at any time. I would be delighted to step aside and I am sure it will be returned in my name.

(Order stands.)

PARLIAMENTARY REFORM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the issues relating to realistic and effective parliamentary reform.

Hon. Jim Munson: Honourable senators, this is at day 14. Senator Hubley has informed me that she is looking at her notes and she would like me to reset the clock and address this issue.

(On motion of Senator Munson, for Senator Hubley, debate adjourned.)

[Translation]

WOMEN'S CHOICES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poy, calling the attention of the Senate to the choices women have in all aspects of our lives.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, Senator Pèpin asked me to adjourn this inquiry in her name. Therefore, I move the adjournment in the name of Senator Pèpin.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Tardif, for Senator Pèpin, debate adjourned.)

[English]

2010 OLYMPIC WINTER GAMES

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Raine calling the attention of the Senate to the success of the 2010 Olympic Winter Games held in Vancouver, Richmond and Whistler from February 12 to 28 and, in particular, to how the performance of the Canadian athletes at the Olympic and Paralympic Games can inspire and motivate Canadians and especially children to become more fit and healthy.

Hon. Joan Fraser: Honourable senators, I indicated 15 sitting days ago that I had told Senator Raine that I did not intend to speak on this matter. I do not feel myself qualified to speak on this matter, although I admire her for raising it. I indicated to the chamber then that if anyone wanted to speak to this inquiry, I would be delighted to yield to it. No one has taken advantage of that since I made my offer. Is it the will of the chamber for me to seek the adjournment of the debate again?

It is not.

(Debate concluded.)

SUSTAINABLE DEVELOPMENT TECHNOLOGY

INQUIRY—DEBATE ADJOURNED

Hon. Grant Mitchell rose pursuant to notice of October 21, 2010:

That he will call the attention of the Senate to the importance of Sustainable Development Technology Canada.

He said: Honourable senators, in case you have not been here long enough, I thought I would make a few comments on something that has been a very good news story, but the risk is that if the government does not take some obvious and relatively, I would say, easy action, then it will become a bad news story.

I want to speak to Sustainable Development Technology Canada, an institution established in 2002 by the Liberal government as a policy instrument to deliver environmental and economic benefits to Canadians and to do that through

well-placed, expertly analyzed investments in clean tech, high tech initiatives in Canada. Over these last eight years, it has fostered the development and demonstration of a variety of technological solutions that address, among other things, clean air, clean water, clean land and, yes, you guessed it, climate change.

It does this by forging innovative partnerships and building a sustainable development technology infrastructure, which has become literally one of the most highly recognized and appreciated such infrastructures in the world, consisting of expert technology analysts, investment analysts who have forged an immensely successful track record over those last number of years. I will refer to it as SDTC.

SDTC bridges the gap that has frequently been missed in the important chain of stages in the development of innovative ideas ultimately to commercially-viable products and services. There are many links in the innovation chain between research and commercialization. We think that it is from research to commercialization that successful projects and products evolve, but in fact there are a variety of steps along the way. Two of them are development and demonstration. These are, unfortunately, traditionally unsupported, but SDTC was established specifically to fill that gap and to take technologies from the laboratory, often literally, and to give them the resources or assist them in getting the resources to develop full-scale, real-world test situations from which they could derive greater funding and support, so that these could go on to be commercially-viable products and processes.

The track record has been truly outstanding. Over those eight years, SDTC has received \$550 million in funding from the federal government. The majority of that came under the federal Liberal government. They have placed upwards of \$500 million to this point. That \$500 million has supported 195 projects. In turn, these projects have generated about three times again as much seed funding from the private sector and, in total, they have resulted in commercial projects in the order of \$17.7 billion. This has resulted in thousands of jobs. I should point out that this money has been invested across the country, creating those jobs in each corner of this country.

• (1910)

They do this not by being interventionist in a classic sense or any kind of negative sense. SDTC has been very careful to develop its model of investment through collaboration among private, academic and public sector partners. As I mentioned earlier, they have provided tremendous leverage in the private sector equity markets for companies receiving their funding. In fact, there is tremendous analysis that demonstrates that companies that receive SDTC funding end up with a great deal more leverage for private sector funding than companies that do not receive that.

That is in part because the private sector capital markets have such confidence in the ability of SDTC to pick winners. Certainly, if they are not all winners, at least to pick very good technologies and companies that promise to have tremendous success. The very success of the SDTC is not something that they, in a sense, have to speak of themselves. It is proven by the private sector, which follows their lead in investing in these 195 companies.

I will mention two companies from Alberta that are very timely, given the debate right now about climate change and about the oil sands. Titanium Corporation is an Alberta company that extracts

heavy minerals, primarily zircon — I know that Senator Day, who is an engineer, will know exactly what that is — and bitumen from tailings ponds. That is a prevalent problem in the media and in the environment at this very moment.

Titanium Corporation is developing a technology that promises to solve that problem in a way that is much quicker, reduces the water required in these tailings ponds, and can be done in a very economic way. That is one project that has received SDTC funding that is making real progress and promises to solve a huge problem for my home province of Alberta.

Quantium Technologies Inc. is another Alberta company that has developed a coating for furnace tubes used to develop plastics derived from olefins, one of the most energy intensive petrochemicals to manufacture. This coating extends the lifetime of these furnace tubes and lowers the temperature needed for chemical reactions, which means the furnace is operationally more efficient, requires less fuel, is a less expensive process, and reduces the emissions of greenhouse gases as a result. It is particularly flexible in its application because this technology can be retrofitted to existing furnaces. The huge potential market for this technology could be as much as \$1 billion globally.

I draw the attention of colleagues in the Senate, particularly on the government side, to this agency, SDTC, because it has done so much good in an area that is so important and in need of capital market support. It has distinguished itself in a way that we can only wish that every government agency that works with the private sector could distinguish itself. It has more than just distinguished itself, it is seen by the private sector to be a leader in this area of analyzing, for investment purposes, high-tech investment opportunities.

SDTC is truly a win for Canada. It is truly a win for our economy, for those people who have received jobs because of it, and it has tremendous potential for the future. There is no reason for it to stop, except one, and that is that it has not received any more funding from this government.

I simply raise this issue to encourage honourable senators, particularly on the government side, to approach their Prime Minister, the Ministers of Industry and Finance, to ensure that money is provided to SDTC so that it does not become yet another casualty of this government's inability to manage both the economy and the fiscal regime of this country.

(On motion of Senator Day, debate adjourned.)

THE SENATE

MOTION TO RECOGNIZE DECEMBER 10 OF EACH YEAR AS HUMAN RIGHTS DAY— DEBATE ADJOURNED

Hon. Mobina S.B. Jaffer, pursuant to notice of December 7, 2010, moved:

That the Senate of Canada recognize the 10th of December of each year as Human Rights Day as has been established by the United Nations General Assembly on the 4th of December, 1950.

She said: Honourable senators, I rise today to urge you to support the motion requesting that the Senate of Canada recognize December 10 of each year as Human Rights Day, as was established by the United Nations General Assembly on December 4, 1950.

Honourable senators, for the last 60 years December 10 has been recognized as International Human Rights Day by the international community. It was on that day that the Universal Declaration of Human Rights was first established 62 years ago, in 1948. The day of recognition and the declaration were the result of a number of visionaries such as Eleanor Roosevelt, Rene Cassin, P.C. Chang, Charles Malik and our own John Humphreys, among others. These individuals and many others had seen the destruction and suffering that World War II and previous conflicts had brought on the world and wanted to create a framework that would prevent any such disasters from happening again.

The declaration sets out 30 basic principles that provide inalienable rights to all human beings on the basis of being human. There is no discrimination; no one is exempt. As the preamble of the declaration proclaims, all humans are deserving of this equal and inalienable right, regardless of nationality, language or religion. No one is exempt from these rights. These rights are universal.

On December 10 this year, as has been done for the last 60 years, individuals from every walk of life will come together to celebrate the Universal Declaration of Human Rights and its accomplishments. Indeed, there have been many accomplishments. However, there are many abuses in this world and I want to highlight two specific abuses.

The first is the case of Bu Dongwei's release from a labour camp in China in July 2008, where he was serving a 30-month sentence in connection with his activities as a member of the Falun Gong spiritual movement. Bu Dongwei was working in Beijing for the U.S.-based Asia Foundation when police detained him on May 19, 2006. He was accused of resisting the implementation of national laws and disturbing social order. Police claimed that they discovered 80 copies of Falun Gong literature in his home, although his family says there were no more than eight Falun Gong books in the house when Bu Dongwei was detained.

As punishment, Bu Dongwei was put into "re-education through labour facility" in China. However, it was due to continuous support of human rights activists around the world, who pushed for his release, that he was freed four months earlier than expected.

Then there is the case of Birtukan Mideksa, the leader of the Unity for Democracy and Justice Party in Ethiopia. Birtukan Mideksa was first arrested on charges of treason following the elections in Ethiopia in 2005. Alleging election fraud, Birtukan Mideksa, along with other opposition politicians and parliamentarians, was charged with treason, tried and sentenced to life imprisonment. After nearly 18 months in detention, Birtukan Mideksa, was pardoned and released by the government, having negotiated an agreement and signed letters of apology.

In November 2008, Birtukan Mideksa spoke about the process that led to a pardon during a public meeting in Sweden. When she returned to Addis Ababa, the government demanded that she retract her statement. She did not comply and on December 28, 2008, she was rearrested in Addis Ababa. Shortly afterwards, the Ministry of Justice issued a statement revoking her pardon and re-imposing her original life sentence. However, it is as a result of international pressure from human rights groups and activists who respect her human rights that, very recently, Birtukan Mideksa was freed from prison after serving 21 months of her life sentence.

• (1920)

Honourable senators, whether the Universal Declaration of Human Rights has been used to promote the rights of free speech and peaceful demonstrations, as seen in the examples given, or the right to adequate housing in South Africa, or the right to equal employment in India, it has served as a catalyst for bringing freedom, equality and justice to all people.

We have reason to celebrate the advances on halting human rights abuses, but we all know there is still a lot of work to be done. Since the establishment of the Universal Declaration of Human Rights, the world has experienced numerous wars and genocides, where countless died; poverty rates have increased, not only in the Third World, but globally; easy access to food and clean water is still a challenge in some places; many girls still lack access to proper education; and issues of maternal mortality still prevail.

I named but a few problems the world faces, and each one of these problems equates to a human rights violation for an individual person. This individual is someone who is not being guaranteed the basic principles that have been promised to them. This is not acceptable.

I am sure all honourable senators are aware of Aung San Suu Kyi's recent release from arrest in Myanmar. However, what may be a lesser-known fact is that many of her supporters within the country are still being punished.

Su Su Nway, a member of the National League for Democracy, is currently serving a sentence of eight and a half years for taking part in political protests in 2007. Specifically, Su Su Nway participated in a street rally against sharp increases to fuel prices. She narrowly avoided arrest and went into hiding.

On September 13, 2007, when she put up an anti-government banner near the Yangon Hotel where the UN Special Rapporteur on human rights was staying, authorities arrested her. A year later, she was convicted of treason and offences that relate to damaging "public tranquillity," a charge commonly used to criminalize peaceful political dissent.

Su Su Nway is now serving an eight-and-a-half-year term in Hkamti prison, where conditions are deplorable. She is not receiving enough food or clean drinking water, nor is she receiving adequate medical attention. One media source reported in July of this year that she had been ill with malaria and gout. Furthermore, it is written that part of her punishment includes periods in solitary confinement.

On December 6, 2006, the Canadian organization Rights & Democracy honoured Su Su Nway with the John Humphrey Freedom Award “for her inspiring efforts to hold Burma’s military junta accountable for its forced labour practices.”

Su Su Nway is a prisoner of conscience, detained only for peacefully expressing her beliefs — a right guaranteed to her by the Universal Declaration of Human Rights. She should not be punished.

Honourable senators, in our chamber we have heard a lot about this year’s Nobel Prize winner, Liu Xiaobo. For years, Mr. Liu has been a prominent critic of the Chinese government, constantly demanding protection of human rights, political accountability and democratization within the country and for this he has repeatedly been punished.

Since December of 2008, Liu Xiaobo has been detained for co-authoring the document entitled Charter 08, which is a proposal that calls for political reform and democratization in China.

Liu Xiaobo is serving an 11-year prison term. We all heard the eloquent and articulate speeches of Senator Di Nino and Senator Munson about the suffering of Mr. Liu.

On Friday, Mr. Liu will be presented with the Nobel Peace Prize for his work in China. However, he will not be in attendance to accept the award. He will be in prison. It was expected that perhaps his wife, an activist herself, would be there to accept the award on his behalf. However, since the announcement that her husband had won the prize, she has been kept under illegal house arrest.

This year at the Nobel Peace Prize ceremony in Oslo, an empty seat will represent this year’s highest human rights honouree. Honourable senators, I know that you will agree with me that we will all be in spirit with Mr. Liu Xiaobo and his wife.

Honourable senators, I can vouch to you that if it had not been for the Canadian human rights activists, my family and I would never have been able to leave Uganda. We arrived in Canada because of the work of human rights activists here. I believe that the work of human rights activists is effective. I believe that protesting to governments does work and I believe we need to continue to do this.

Honourable senators, it is true that there are many shortcomings with the human rights framework we currently

work within. We have yet to perfect it. However, I believe that what we have now is better than having nothing at all.

The Universal Declaration of Human Rights has had great accomplishments thus far; however, as I have highlighted, we have so much more to do. It is with the participation of all Canadians that we can fulfill this achievement.

International Human Rights Day has been recognized by governments, organizations and individuals worldwide. They have taken action on this important cause. Honourable senators, today I stand before you and ask for your support. We, as a country, are champions of human rights around the world. I ask for your support in recognizing December 10 as Human Rights Day.

Hon. Consiglio Di Nino: Honourable senators, I want to thank Senator Jaffer for her very good presentation. I can tell honourable senators that, in principle, I support her resolution. I do wish to make some comments and reflect on some of the things she said, and I know that some of my other colleagues have expressed an interest in making comments. Therefore, I would ask for the adjournment for the remainder of my time.

(On motion of Senator Di Nino, debate adjourned.)

[Translation]

ADJOURNMENT

Leave having been given to revert to Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, December 13, 2010, at 6 p.m., and that rule 13(1) be suspended in relation thereto.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Monday, December 13, 2010, at 6 p.m.)

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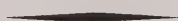
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OFFICIAL REPORT
(HANSARD)

Monday, December 13, 2010



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Monday, December 13, 2010

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

THE LATE MR. MARTIAL THIBODEAU

Hon. Percy Mockler: Honourable senators, Senator Poirier joins me in paying tribute to an extraordinary man from Acadia, my friend, our friend, a proud Acadian and New Brunswicker, Martial Thibodeau, who passed away on Sunday, December 5, after a long and courageous battle with cancer.

Honourable senators, Martial believed that culture was the soul of the people and the greatest gift a community could give the world. He often said that Acadian culture is an invaluable asset to the people of Canada.

Mr. Thibodeau had several jobs. He worked for the Société de l'Acadie du Nouveau-Brunswick and Télé-Acadie. But many people will remember him as the director and coordinator at Le téléjournal/Acadie for nearly 28 years.

We will also remember Martial as a great Acadian and a staunch defender of the Acadian cause, Acadian culture and the Acadian people.

Shortly before he passed away, he bravely agreed to make a television appearance on Radio-Canada, where his calm and great courage were obvious. His message was surely a source of inspiration for people facing cancer.

I extend my deepest sympathies to his wife, Cécile, his two sons, Christian and Ghislain, and his granddaughter, Makayla. Our thoughts and prayers are with you at this difficult time.

Martial, as we say back home, you earned your laurels, and we thank you, Acadia's son.

[English]

IMMIGRATION AND DIVERSITY

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to an interesting article published recently in *The Globe and Mail* entitled "Conservative immigrants boost Tory fortunes." In this October 4 article, journalists John Ibbitson and Joe Friesen stated that the Conservatives "have embraced diversity with fervour."

[Translation]

These journalists show how the Conservative Party has become more popular with immigrant communities and visible minorities, especially in the suburbs of major Canadian cities.

As Minister Jason Kenney says, "We are becoming more competitive as the party of choice for first-generation Canadians and newcomers."

[English]

The Globe and Mail article showed that, in the October 2008 general election, the Conservative Party won six new seats in ridings where visible minorities account for more than 20 per cent of the population. For years, these ridings were the domain of the Liberals. They said the Conservatives have also closed the gap in several key urban ridings in Toronto and Vancouver. Only two weeks ago, Conservative member of Parliament Julian Fantino won the November 30 by-election in Vaughan, outside of Toronto.

The 2006 Census showed that the electoral district of Vaughan has a population of 154,215. Visible minorities represented more than 25 per cent of the population. This win is further proof that the Conservative ideals are appealing to visible minorities and to new Canadians. A poll conducted by the Canadian Election Study, the premier academic survey on Canadian public opinion and voting behaviour, shows that one third of immigrants voted for the Conservative Party in 2008, and the Liberal Party's popularity dropped 17 percentage points between 2000 and 2008.

To this study, Stuart Soroka, a McGill University political scientist, said, "There is definitely a shift under way." According to University of Guelph sociologist, Linda Gerber, who specializes in ethnic voting trends, the Conservative Party's success stories in ridings with a strong percentage of visible minorities and new Canadians are credited to the Conservative Party's ethnic outreach campaign.

Honourable senators, I have been a Conservative all my life and a member of the Conservative Party for more than 50 years. As a visible minority, I have made it a priority throughout my life to reach out to visible minorities and new Canadians and invite them to join our party. Today, more than ever, we are getting results.

• (1810)

Honourable senators, *The Globe and Mail* article tells us that new Canadians and visible minorities have found a home in the Conservative Party. Canada's minorities may well hold the key to a Conservative majority government. Our party is committed to embracing and respecting these communities and engaging them in the political process.

SKI PATROL HEROES

Hon. Consiglio Di Nino: Honourable senators, I quote from a letter by Mr. Sean Hirtle:

If it wasn't for the quick and selfless actions of two skiers Saturday, I wouldn't be writing this letter today.

December 4 was one of the best early season days in recent memory, tons of fresh snow, cold temperatures and blue sky. After two quick groomers I waited about 45 minutes for the Harmony Chair to open for the season; I was sixth in line which meant I'd be on the second chair up the hill.

After we dismounted the chair I headed to Harvey's, my buddy headed further right towards Robertson's. This is an area we have skied hundreds of times over the last 30 years.

As I headed towards the last pitch on Harvey's my downhill ski released prematurely; before I could react I found myself head down in a tree well. I knew I was in trouble immediately. My buddy was nowhere near me and I was completely immobilized. Upside down, snow began to fill around my face. I knew the seriousness of the situation. As I struggled I became more and more immersed, snow began to fill my gasping mouth. I wondered how long it would be before I blacked out. I knew the expanse of the area and I knew the chance of rescue was slim. I knew I was dead. I thought, "Is this how it happens?" . . . I thought of my parents and my girlfriend Taryn, I couldn't believe I was going to put them through this.

The next thing I remember is being awoken from a deep sleep by the yelling of some stranger. I was disoriented, blood was dripping from my lip. After several moments, I collected my breath and thoughts. I realized that the two men attending to me had pulled me from the tree well. I was alive. It's impossible to describe the feeling of waking up to find you are alive. . . .

My rescuers later told me I was blue, non-responsive and lifeless when they pulled me out. . . . The attending physician speculated that they discovered me anywhere from 5 — 15 minutes after I passed out.

These two men, Brad Tkachuk and Eamon Sallom, are heroes. It must have taken great physical exertion, strength and effort to free me. The snow was deep, the terrain steep, I question whether a less competent duo would have been successful. The actions of these two men saved my life, they are heroes, no other way to put it. They risked their own welfare by rescuing me. . . . If it wasn't for having two healthy, strong, snow-smart saviours, I wouldn't be writing this letter today. . . . You understand the magnitude of the situation when the Ski Patrollers are shaking their heads and calling me the luckiest guy on the hill. . . .

I want to acknowledge the efforts of Brad Tkachuk and Eamon Sallom. These men need to be commended for their actions. They have an open tab with me at Après.

Honourable senators, Brad Tkachuk and Eamon Sallom need to be recognized. Brad is the son of my seatmate, Senator David Tkachuk. To Brad and Eamon, we say well done and thank you very much.

ROUTINE PROCEEDINGS

NATIONAL SECURITY AND DEFENCE

MOTION TO ENCOURAGE THE MINISTER
OF NATIONAL DEFENCE TO CHANGE
THE OFFICIAL STRUCTURAL NAME
OF THE CANADIAN NAVY—
FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Pamela Wallin, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Monday, December 13, 2010

The Standing Senate Committee on National Security and Defence has the honour to present its

FIFTH REPORT

Your committee, which was authorized by the Senate on Tuesday, October 5, 2010 to examine and report on, Motion No. 41 by the Honourable Senator Rompkey, P.C, seconded by the Honourable Senator Fraser,

"That the Senate of Canada encourage the Minister of National Defence, in view of the long service, sacrifice and courage of Canadian Naval forces and personnel, to change the official structural name of the Canadian Navy from 'Maritime Command' to 'Canadian Navy' effective from this year, as part of the celebration of the Canadian Navy Centennial, with that title being used in all official and operational materials, in both official languages, as soon as possible", now reports as follows:

Your committee recommends that the Senate adopt an amended version of the motion reading as follows:

"That the Senate of Canada encourage the Minister of National Defence to change the official structural name of 'Maritime Command' to a new name that includes the word 'navy'."

Respectfully submitted,

PAMELA WALLIN
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Wallin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-30, An Act to amend the Criminal Code.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING OF WESTERN GOVERNORS' ASSOCIATION, JUNE 27-28, 2010—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the annual meeting of the Western Governors Association annual meeting, held in Whitefish, Montana, from June 27 to 28, 2010.

ANNUAL MEETING OF NATIONAL GOVERNORS ASSOCIATION, JULY 9-11, 2010—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the annual meeting of the National Governors Association, held in Boston, Massachusetts, from July 9 to 11, 2010.

ANNUAL MEETING OF SOUTHERN LEGISLATIVE CONFERENCE—COUNCIL OF STATE GOVERNMENTS, JULY 31-AUGUST 3, 2010—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the sixty-fourth annual meeting of the Southern Legislative Conference—Council of State Governments, held in Charleston, South Carolina, from July 31 to August 3, 2010.

ANNUAL MEETING OF MIDWESTERN LEGISLATIVE CONFERENCE—COUNCIL OF STATE GOVERNMENTS, AUGUST 8-11, 2010—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canada parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the sixty-fifth annual meeting of the Midwestern Legislative Conference—Council of State Governments, held in Toronto, Ontario, from August 8 to 11, 2010.

ANNUAL MEETING OF COUNCIL OF STATE GOVERNMENTS—EASTERN REGIONAL CONFERENCE AND REGIONAL POLICY FORUM, AUGUST 15-18, 2010—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the fiftieth annual meeting of the Council of State Governments Eastern Regional Conference and Regional Policy Forum, held in Portland, Maine, from August 15 to 18, 2010.

[Translation]

CANADA-FRANCE INTERPARLIAMENTARY ASSOCIATION

ANNUAL MEETING,
AUGUST 29-SEPTEMBER 4, 2010—REPORT TABLED

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Canada-France Interparliamentary Association, concerning the 37th annual meeting, held in Edmonton and Calgary, Canada, from August 29 to September 4, 2010.

• (1820)

[English]

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Bill Rompkey: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, the Standing Senate Committee on Fisheries and Oceans, which was authorized on Thursday, March 25, 2010 to examine and report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans, be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate an interim report, on Canadian lighthouses, by December 23, 2010, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

QUESTION PERIOD

HEALTH

TOBACCO PRODUCTS

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I want to return to a matter that the leader and I have discussed previously, the question of labelling on cigarette packages.

Last week the leader was very clear that the CBC and *The Globe and Mail* were wrong when they reported that the government had announced at a meeting of provincial health ministers that it had suspended action to update warning labels on cigarette packages. What about provincial health ministers; are they wrong, too?

Jim Rondeau, the Manitoba Minister of Healthy Living, Youth and Seniors, was at a closed-door meeting where Health Canada announced that it was backing down from updated warning labels. He is on the public record saying that they were told that the government was shelving the plan.

"The question was asked 'Why' multiple times," Rondeau said. "The response was they were going to focus on contraband."

It is not only Manitoba. Last Thursday, Dr. Robert Strang, the Chief Public Health Officer from Nova Scotia, my province, testified before the Health Committee in the other place. He said:

Provincial and territorial governments remain puzzled as to why the initiative to renew health warnings was stopped at the last minute, with no consultation.

It's also extremely disappointing to learn that the tobacco industry was informed about Health Canada's decision several months before provincial/territorial partners or the tobacco control community.

One has to wonder what role the tobacco industry played in the decision not to move ahead with the renewal of health warning labels on tobacco packages.

I have spoken to senior people in the Government of Nova Scotia who confirm that provincial ministers went into the meeting in September believing that renewed labels were a go and they left with the understanding that the federal government had dropped this initiative.

If the government is now telling the public that no decision has been made on the issue, why did it tell the tobacco industry and the provinces the very opposite many months ago?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. My colleague, Minister Aglukkaq, the Minister of Health, dealt with these issues and answered these questions in the other place last week, and I suppose again today, although I did not see Question Period today.

I will put on the record again that our government is committed to a comprehensive, innovative and integrated strategy to reduce smoking rates in Canada, address the issue of contraband and prevent young Canadians from smoking in the first place. We are already taking action on many fronts, as I have said before. For example, we provide \$15.7 million in anti-tobacco strategy funding. The Cracking Down on Tobacco Marketing Aimed at Youth Act, which recently came into force, will make it harder for industry to entice young people to use tobacco products. Additionally, health warning labels are still under review and, as the Minister of Health has stated in the other place, an announcement will be made soon.

There is nothing further for me to add to this. That is the position of the government. Repeating information from newspapers or from private meetings does not change the fact that the government's policy is just as I stated.

Senator Cowan: Honourable senators, let me get this clear. Is the leader saying that the updating of labels on cigarette packaging is still government policy and is still under active consideration?

Senator LeBreton: I am saying that additional health warning labels are still under review and that an announcement will be made soon.

Senator Cowan: Therefore, the government has changed its position from the September meeting when it was clear, as we have it from two sources, Nova Scotia and Manitoba, that —

Senator Stewart Olsen: Oh, oh.

Senator Cowan: I am sorry, Senator Stewart Olsen. As far as I know, you are not the Leader of the Government yet. You may be some day, but you are not now. In the meantime, the practice of this place is that I direct questions to the Leader of the Government in the Senate and she responds.

Senator Stewart Olsen: Oh, oh.

Senator Cowan: Senator Stewart Olsen, you should wait your turn.

Some Hon. Senators: Oh, oh.

Senator Cowan: Despite the chirping from the back row, my question is this: We have two provinces —

You may find this funny, Madam Minister, but it is not. This is a very serious matter for Canadians.

The leader shakes her head, but the Minister of Health clearly told at least two provinces at that meeting in September that the program was being suspended. I am only asking the leader to confirm today that that is not the case.

Senator LeBreton: I was shaking my head in wonderment as to what could possibly have happened to senators over the past couple of weeks that has put them in such a foul humour.

I was not at the meeting, and I will not answer questions about a meeting that I did not attend. I can only say, as I said last week and as I will repeat every time I am asked this question, additional health warning labels are still under review, as the minister has stated, and an announcement will be made soon.

Senator Cowan: Honourable senators, between 2000 and 2005 there was a clear decrease in the rate of smoking among Canadians. Since 2005, the decline in smoking has stalled. The Conservative government points repeatedly to Bill C-32, which contained amendments to the Tobacco Act and was passed with the support of all parties last year. The government said that the purpose of those amendments was to make it harder for industry to entice young people to use tobacco products, an objective that we all support.

We have heard reports in the last couple of weeks, including some from government agencies, that tobacco companies have already found their way around these new regulations. For

example, the companies apparently have made some cigars that were caught by those regulations slightly larger, and presumably more dangerous, and have removed the filters from them. In this way they have been able to evade the regulations. The Prime Minister and the Health Minister have acknowledged these problems and have indicated that they intend to move to remedy them.

These successful attempts to circumvent the regulations were brought to light in the spring, I believe. When does the government intend to take the necessary action to close those loopholes?

Senator LeBreton: Honourable senators, as I pointed out last week, it was under a Conservative government that warning labels were first put on cigarette packages. There is the smoking cessation program of Health Canada and other programs of the government, including the programs that we have brought in since we formed the government, plus the effort we are putting into dealing with the issue of contraband tobacco. Of course, industry always looks for ways around new regulations.

Like any responsible government, we intend to do everything we can to ensure that the use of tobacco remains at low levels, as it fortunately is now. Health Canada warning labels are under review. As I mentioned a moment ago, an announcement with regard to this will be made as soon as possible.

Hon. Grant Mitchell: The minister has recited a list, which she is good at doing, of what the government is doing at a good deal of expense to Canadian taxpayers. She says that they may be reconsidering labelling, but we have never heard why the government would be so reluctant to have these warnings on cigarette packages. Why would the government not decide in 15 seconds to do that? Why would there be any doubt that the government would want to force the tobacco companies to put stronger, more rigorous and more aggressive warnings on their packaging? Why would it be so difficult to do that?

• (1830)

Senator LeBreton: First, the premise of the honourable senator's question is completely false. The government is not reluctant at all. We have brought in many measures including the legislation we introduced to deal with the serious issue of tobacco products being made available to young Canadians.

As I pointed out a few moments ago, warning labels were put on tobacco products by a Conservative government. Additional health warning labels are under review at the present time and an announcement will be made soon. Senator Mitchell should remove any thought from his head that we are reluctant to add warning labels. That is not the case at all.

Senator Mitchell: The proof is in the pudding.

Hon. Sharon Carstairs: The first time we raised this issue with the honourable minister, Senator Mitchell was accused of making things up and I was accused of shouting at the minister. We now learn that \$496,000 of taxpayers' money was distributed to provinces for them to develop ways to respond to the Quit Line, which was part of this enhanced advertising.

Why did this government distribute nearly half a million dollars to the provinces if they were not intending to go through with it?

Senator LeBreton: My answer is the same, honourable senators. Additional health warning labels are under review and an announcement will be made soon.

Senator Carstairs: Will the new labelling have within it a Quit Line so that Canadians who want to give up this dreadful habit have the opportunity to contact people who can help them quit?

Senator LeBreton: I will take the honourable senator's question as notice, because I am not privy to the exact wording for any proposed changes or additions to the advertising on packages.

[Translation]

NATIONAL DEFENCE

CIVILIAN PERSONNEL IN AFGHANISTAN

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate and is regarding Afghanistan.

I would like to talk about a point that came up last week. I noticed the leader engaging in some mudslinging when I said that I wanted to discuss a clear issue and she responded by talking about Bill S-35, which had absolutely nothing to do with my question. I found the answer redundant and even incorrect.

[English]

When I was director of army requirements, what scared me the most in those days was a general walking around with a glossy brochure, saying, "I want 12 of these things." However, what scares me even more is when I have a Minister of National Defence standing in front of a cardboard mock-up, saying, "I want 65 of those things."

Maybe when I see the operational effectiveness of the system and its project management process, I will be more inclined to look at that weapon system for what it is worth.

I come back to the question about the Canadian Afghan advisers with the troops overseas. The minister said she would look into this matter, since the ruling did not permit the advisers to continue to be employed after three months.

We have heard continuously that the government has taken major steps in terms of whole-of-government solutions to our needs, particularly in Afghanistan. There are four different task forces. This is an operational essential that can have an impact on the security of troops in the field. I cannot understand if there is a whole-of-government approach, why the government has not anticipated this need. Why is it that we will lose that capability and present risks on the ground before a solution is brought forward, for something that is so mundane administratively?

Hon. Marjory LeBreton (Leader of the Government): The only reference was a comment that the honourable senator made following the question of his colleague Senator Moore. That is the only reason I brought F-35 into the discussion.

As I indicated, I have read about, and I am aware of, the situation. I indicated to the honourable senator that I would request a written response from the department, and I cannot add further to that answer today. The operational facilities of the Department of National Defence and all its components are complex. When the honourable senator asks specific questions like that one, obviously I will not delve into areas that are operational in nature for the Armed Forces. I indicated to the honourable senator that I would request a written response. I have done so, and I expect we will hear from the department shortly.

MILITARY FAMILY SUPPORT CENTRES

Hon. Roméo Antonius Dallaire: Honourable senators, my next question is also focused on Afghanistan and operational effectiveness. We are at war and we have troops in the field, and that operational effectiveness should be an element of keeping us ahead of the game rather than behind the game. We now have over 2,000 troops deployed in the field from Valcartier. The Military Family Resource Centre on that base is now restrained in its funding to the 2007 level and must absorb the increases in pay simply through the annual requirements of pay increases. To do so, they have to fire 10 people at a time when the centre most needs these capabilities to support the families and troops.

Is there a disconnect in this concept of “whole of government” in responding to our operational effectiveness? I have read all these reports. I still do not understand why four different task forces are responding to this. That is why we seem to end up with these disconnects that have a direct impact on the troops in the field, troops that the government says it supports.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I do not believe there is a disconnect. However, I will take the question as notice. I checked with my colleague. I was certain I had seen a written response to the honourable senator’s question of last month, and of course that response will given following Question Period.

NATURAL RESOURCES

POINT LEPREAU NUCLEAR GENERATING STATION HEARINGS

Hon. Michael A. Meighen: Honourable senators, my question is for the Leader of the Government in the Senate.

The Canadian Nuclear Safety Commission recently announced that it will hold a critically important hearing on the future of the Point Lepreau nuclear power plant on January 19, 2011. That is the good news. The bad news is that the hearing is scheduled to be held in the commission’s office in Ottawa, Ontario.

This hearing will decide whether to extend the licence for the Point Lepreau reactor, an issue that is obviously of vital importance to the people of southwestern New Brunswick and, indeed, of the entire province. Holding this hearing in Ottawa would virtually exclude meaningful participation by most New

Brunswick interest groups, volunteer organizations, small municipalities and ordinary citizens, all of whom have a vitally important stake in this decision.

Will the minister speak to her colleague, the Minister of Natural Resources, and bring this iniquity to his attention? Better still, will she use her good offices to endeavour to persuade him to have the location of the hearing changed from Ottawa to Saint John, so that those most affected by the decision will be able to participate directly? Surely the hearing on the future of a reactor should be held in the province where it is located.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his interest. This is an area with which he is familiar. Even though he is an Ontario senator, he is a transplanted New Brunswicker, like many senators here.

As the Canadian Nuclear Safety Commission operates at arm’s length, it alone chooses the time and place of its hearings. That being said, I am informed that the hearings taking place in January pertain to a one-year extension of New Brunswick Power Corporation’s existing operating licence so that it may continue with already approved refurbishment activities that are scheduled to continue beyond the current licensing date.

Further hearings will need to be held in order for New Brunswick Power to generate power once again at Point Lepreau. I am happy to inform the honourable senator that the commission is looking to hold future hearings in Saint John, and I imagine the commission would welcome the views of the honourable senator in this regard.

• (1840)

[Translation]

INDUSTRY

2011 CENSUS

Hon. Claudette Tardif (Deputy Leader of the Opposition): We learned recently that university researchers will have to rely more on the private sector to obtain the data they need, because of the Conservative government’s decision to make the long-form census voluntary. A number of researchers will have to use their federal grant money to obtain data from private businesses, which adds not only to the financial burden on colleges and universities, but also to the support that the federal government will have to provide.

Research budgets at post-secondary institutions are small enough as it is. Could the leader tell us whether her government will increase subsidies to federal grant agencies when Canadian colleges and universities can no longer support the financial burden to purchase data, a responsibility that falls under her jurisdiction?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the government has increased funding to a wide variety of areas for post-secondary education.

With regard to the census, I point out yet again that the decision of the government is final. We will have a short-form mandatory census, and we will have a voluntary household survey that will cover more people and have the same questions. We expect the response will be remarkable and that the information gleaned from that long-form household survey, which contains the same number of questions asked in the mandatory long-form census but with a wider distribution, will provide all the information required for the various organizations that are required to use it.

[Translation]

Senator Tardif: Honourable senators, many researchers have expressed their serious concerns about the government's decision to make the long-form census voluntary. Ellen Goddard, a professor of rural economics at the University of Alberta, even believes that some researchers will never receive funding and that they will have to spend more time applying for additional grants, rather than focusing on research.

University research is a vital engine of the Canadian economy. How does the government plan to ensure funding for university researchers who will have to spend more time and money collecting data given that the 2011 Census data will be of no use to them?

[English]

Senator LeBreton: To set the record straight, we have increased funding of three granting councils by an average of 20 per cent since 2005-06. We have also created new programs, such as the Canada Excellence Research Chairs and the Vanier Canada Graduate Scholarships. Canada is ranked number one in the G7 for supporting basic, discovery-oriented university research. Our science and technology strategy, which was launched in 2007, helps create jobs, improve quality of life for Canadians and build a stronger economy for future generations.

I remind the honourable senator that the record of the former Liberal government was to cut funding for science and technology by \$442 million in the mid-1990s. Therefore, we do not take a backseat to anyone with regard to support for our universities and research and development.

Senator Tardif: The Leader of the Government in the Senate has avoided the question and has not provided a suitable answer.

Let us sidestep here and speak about another complaint this time from Aboriginal organizations and chiefs from Atlantic Canada. Their complaint is that questions about ethnicity and ancestry were changed in the 2011 long-form questionnaire. The new National Household Survey uses the term "First Nations" when asking whether a person is Aboriginal. Is that person an Aboriginal person; that is, First Nations, North American Indian, Metis or Inuit?

The complainants balk at the use of the term "First Nations," viewing it as an attempt to lower the number of respondents who identify as Aboriginals by suddenly excluding those who live off the reserve. Is that the intent of the leader's government?

Senator LeBreton: First, the honourable senator has raised the issue with regard to First Nations people in Atlantic Canada, and as she has pointed out, it is before the courts and I, of course, cannot respond.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to present two answers to oral questions, the first by Senator Dallaire on November 2, 2010, concerning Citizenship and Immigration, personal information disclosure; and the second by the Honourable Senator Chaput on November 23, 2010, concerning Citizenship and Immigration, the French language and immigration services.

CITIZENSHIP AND IMMIGRATION

PERSONAL INFORMATION DISCLOSURE OF VISA APPLICANTS

(Response to question raised by Hon. Roméo Antonius Dallaire on November 3, 2010)

The questions on the new Temporary Resident Visa (TRV) application form are consistent with the objectives in the *Immigration and Refugee Protection Act*. This new TRV application form standardizes the various questions that have been asked before to ensure a consistent approach worldwide and eliminate the need for country-specific forms. Questions pertaining to the specifics of military service are asked in the accompanying document to the temporary resident form, Schedule 1, and have been requested in the previous version of the Schedule 1 application form for some time. Temporary resident applicants from a number of countries have been asked questions regarding military, security and political activities to ensure that officers have adequate information to determine admissibility to Canada. Visa officers outside Canada review Temporary Resident Visa applications and make their decisions based on review criteria outlined in the Act and its accompanying Regulations.

Under section 35 of the *Immigration and Refugee Protection Act*, a permanent resident or a foreign national is inadmissible on grounds of violating human or international rights for committing an act outside Canada that constitutes an offence referred to in sections 4 to 7 of the *Crimes Against Humanity and War Crimes Act*.

CIC relies on the expertise of CBSA to make decisions on section 35 cases. Children are a uniquely vulnerable population in regards to armed conflict and great care is taken when processing applications. Factors to be taken into consideration include conditions such as intoxication and duress, the age of the child when the crimes were committed, as well as a determination of whether the child possessed criminal intent in committing crimes against humanity and war crimes. In some cases, there may be compelling reasons for an officer to issue a Temporary Resident Permit to allow a person who does not meet the requirements of the IRPA to enter or remain in Canada.

Annexes (2)

- Application for Temporary Resident Visa made outside of Canada
- Schedule 1, Application for a Temporary Resident Visa Made Outside of Canada

(For text of Annex, see Appendix, p. 1625.)

JUSTICE

FRENCH LANGUAGE AND IMMIGRATION SERVICES

(Response to question raised by Hon. Maria Chaput on November 23, 2010)

The question arises as a result of an article published in *La Presse* on November 18, 2010. In the article the author makes several allegations. This response addresses the allegations by subject.

The IRB is the largest administrative tribunal in Canada and is a vital part of the immigration and refugee system. The IRB is committed to meeting the obligation set out in the *Official Languages Act* (OLA) to provide services in both of Canada's official languages.

Language of Proceedings

Every person who appears before the IRB has the right, under the OLA and the *Canadian Charter of Rights and Freedoms*, to choose the official language of the proceeding. The IRB is legally obligated to respect this choice. In addition, the IRB does not process a case until it has received all documents in the language of the proceeding. If a document is to be submitted that is not in the language of proceedings, the IRB requires that it be translated into the language of proceeding, in accordance with the Board's rules of practice.

Unilingual Anglophone Members in Quebec

In Montreal, we currently have 53 members: 43 are designated bilingual, 8 are unilingual francophones, and 2 are unilingual anglophones. Cases are assigned to members according to the language of the proceeding chosen by the person appearing before the tribunal. The Refugee Protection Division in Montreal rendered 6,013 decisions in 2009, 68% of which were in French and 32% in English, in accordance with the language chosen by the refugee claimant.

The Immigration Appeal Division in Montreal rendered 1,500 decisions in 2009, 49% of which were in English and 51% in French while the Immigration Division in Montreal rendered 1,842 decisions, of which 54% were in English and 46% were in French. Again, this is in accordance with the language chosen by the person concerned or the appellant.

Quality of Interpretation in IRB Proceedings

Quality interpretation is very important to having fair hearings at the IRB. The IRB takes interpretation issues very seriously. Currently, the IRB in Montreal has access to

the services of 228 interpreters. The IRB makes all efforts to find an interpreter who can speak not only the language but the dialect of the person in the proceedings. The interpreter and person appearing before the Board speak for a few minutes before the start of the hearing and the person appearing and interpreter are asked if they understand each other.

On occasion an interpreter may not speak the same dialect as the person before the IRB, or they may have other difficulties communicating. In these cases the IRB makes efforts to find another interpreter. If counsel or claimant has concerns about the quality of interpretation, he or she can make an immediate request for an adjournment in order to find another interpreter.

Language of Port of Entry Notes

Finally, the language in which an officer at a port of entry writes a report in no way determines the language of the proceeding before the IRB. This choice is made by the person concerned, generally in consultation with his or her consultant or lawyer.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: second reading of Bill C-58; third reading of Bill S-10; third reading of Bill C-36, followed by other items as they appear on the Order Paper.

[English]

APPROPRIATION BILL NO. 4, 2010-11

SECOND READING

Hon. Elizabeth (Beth) Marshall moved second reading of Bill C-58, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011.

She said: Honourable senators, the bill before you today, Appropriation Act No. 4, Bill C-58, provides for the release of supply for Supplementary Estimates (B) and now seeks Parliament's approval to spend \$4.4 billion in voted expenditures. These expenditures were provided for within the planned spending set out by the Minister of Finance in its March 2010 budget.

Supplementary Estimates (B) was tabled in the Senate on November 4, 2010, and referred to the Standing Senate Committee on National Finance. These estimates are the second supplementary estimates for the fiscal year that ends on March 31, 2011.

The first, Supplementary Estimates (A), was approved in June 2010. Supplementary Estimates (B) 2010-11 was discussed in some detail with Treasury Board Secretariat officials during their appearance before the Standing Senate Committee on National Finance on November 23, 2010. Supplementary Estimates (B) reflects \$3.1 billion in budgetary spending, which consists of \$4.4 billion in voted appropriations and a decrease of \$1.2 billion in statutory spending.

The \$4.4 billion in voted appropriations requires the approval of Parliament and includes such major budgetary items as \$649 million for funding to continue the implementation of the investment plan in support of the Canada First Defence Strategy; \$308 million for funding for specific claims settlements in the Department of Indian and Northern Affairs; \$294 million for funding of awards to claimants resulting from the Independent Assessment Process and Alternative Dispute Resolution related to the Indian Residential Schools Settlement Agreement, including other settlement agreement costs that directly benefit claimants; and \$294 million for funding to meet operational requirements such as ensuring continued isotope production, health and safety upgrades, new build reactor technology development, refurbishment and project shortfalls and one-time employee reduction costs for the Atomic Energy of Canada Limited.

There is also \$184 million of funding for the Municipal Rural Infrastructure Fund to support smaller scale municipal infrastructure, such as water and wastewater treatment, and cultural and recreation projects in the Office of Infrastructure Canada. There is also \$173 million of funding to support maternal, newborn and child health programming activities in developing countries under the Canadian International Development Agency.

In addition, there is \$166 million of funding for the Building Canada Fund, consisting of a major infrastructure component relating to larger and strategic projects of national and regional significance in the Office of Infrastructure Canada. There is also \$162 million of funding for the Canada Strategic Infrastructure Fund to support large-scale projects of major federal and regional significance in areas that are vital to sustaining economic growth and enhancing the quality of life of Canadians, also in the Office of Infrastructure Canada.

There is \$137 million for compensation adjustments, which are transfers to departments and agencies for salary adjustments, for retroactive pay for the period prior to April 1, 2010, in the Treasury Board Secretariat.

• (1850)

In addition, in the Department of National Defence, there is \$112 million for funding for major capital projects. There is also \$102 million for funding for the Gas Tax Fund to support environmentally sustainable municipal infrastructure projects that contribute to cleaner air, cleaner water and reduced greenhouse gas. That is within the Office of Infrastructure of Canada.

These supplementary estimates also include a decrease by a net amount of \$1.2 billion in budgetary statutory spending that has previously been authorized by Parliament. Adjustments to projected statutory spending are provided for information

purposes only and are mainly attributable to the following forecast changes: \$2.9 billion for the provision of funds for the enhanced Employment Insurance benefits in accordance with the Budget Implementation Act in the Department of Human Resources and Skills Development; \$590 million for funding to support Infrastructure Stimulus Fund in order to accelerate and increase the number of construction-ready provincial, territorial and municipal infrastructure projects; \$509 million, for Total Transfer Protection related to fiscal equalization in the Department of Finance; and also a decrease of \$2.9 billion in the revised forecast of the public debt charges in the Department of Finance.

Supplementary Estimates (B) also reflect a decrease of \$809 million in non-budgetary spending, primarily due to a decrease of \$1.1 billion in payments to Export Development Canada to discharge obligations incurred pursuant to section 23 of the Export Development Act, Canada Account, for the purpose of facilitating and developing trade between Canada and other countries in the Department of Foreign Affairs and International Trade. There is \$285 million for payment to the International Finance Corporation in support of the Fast-Start climate change funding initiative.

Honourable senators, Appropriation Act No. 4 seeks Parliament's approval to spend a total of \$4.4 billion in voted expenditures.

Hon. Catherine S. Callbeck: Will the honourable senator take a question?

Senator Marshall: Yes, I will.

Senator Callbeck: Honourable senators, my question concerns the Canada Account, and the money that was given to General Motors and Chrysler. When the government bought the stock, I understand that it wrote it off completely — 100 per cent. Then they readjusted the figure on the books, and then, of course, we had a public offering so that now there is a valuation to put on that stock.

Has the government made that adjustment on the books? That would affect the deficit.

Senator Marshall: Honourable senators, I do not know whether that adjustment has been made. It should show up in the Public Accounts of Canada, but I have not seen that yet.

Senator Callbeck: Would the honourable senator try to find out and present that to the Senate at a later date?

Senator Marshall: Yes, I will endeavour to find the answer to that question, although I am not certain whether it is available at this time.

Senator Callbeck: Honourable senators, I have another question in the report relating to the bill to which the honourable senator just spoke, and it is about the savings. It says that the government reviews approximately 25 per cent to 30 per cent of direct public spending in an effort to identify the savings.

Will the honourable senator attempt to find out exactly what those savings are and which department and programs were affected, as well as the amounts? Would she attempt to get that information and present it later?

Senator Marshall: Yes, I will endeavour to get that information for the honourable senator and report later.

Hon. Joseph A. Day: Honourable senators, I am pleased to contribute to the debate on this bill, and I thank the Honourable Senator Marshall for presenting it and her summary of what appears in it.

The bill is fairly short, and it is in standard form in the body. Attached to it are three schedules that outline where the proposed expenditure of \$4.3 billion would go.

Honourable senators will know that those schedules appear in the supplementary estimates, and that is based on Supplementary Estimates (B). This supply bill, Bill C-58, is based on that Blue Book that was distributed to honourable senators, and we have all had an opportunity to look at it, some of us in more detail than others have. In particular, the senators on the National Finance Committee have had an opportunity to look at the supplementary estimates.

Honourable senators will recall on Thursday of last week when we were sitting that I filed our seventh report on behalf of the Standing Senate Committee on National Finance, and that report outlines what the National Finance Committee found during its preliminary study of the supplementary estimates.

It is our practice not to send this particular Bill C-58 to committee because we have already studied the subject matter. It has been referred to us through the supplementary estimates. It is also our practice here, honourable senators, to study, debate and pass the report before we ask you to finish third reading of Bill C-58, the supply bill that relates to the report. The report relates to the schedules of Bill C-58.

I will be discussing the supplementary estimates report of the Finance Committee later this evening or tomorrow.

Looking at Bill C-58 that we are now dealing with at second reading, we always ensure that the schedules attached to Bill C-58 correspond with what we have been studying in committee over the past while.

Honourable senators, before we do third reading, I will be able to confirm for you whether, in fact, that is the case. At this stage, I prefer to hold my remarks until we deal with the report because it deals in more detail with the various categories that Senator Marshall has just read out, and I can confirm that all of those expenditures are detailed in the supplementary estimates.

Hon. Lowell Murray: Honourable senators, all I can say about this bill is that the Supplementary Estimates (B), which gave rise to it, received very careful attention at the Standing Senate Committee on National Finance, which had before it a number of important witnesses from the government that the committee examined in very considerable detail.

I intervene at this point because I want to take advantage of the latitude that parliamentary tradition affords members whenever a supply motion is before us to air grievances or to discuss almost any matter of public policy. The matter I want to intervene on is that of democratic representation in the House of Commons. As honourable senators have heard me say before, I reject at once and completely the notion that is sometimes put forward that matters of this kind, election law and representational law, ought to be the exclusive preserve of the elected members of the House of Commons who, it is said, are directly affected.

• (1900)

On the contrary, history has shown that when it comes to matters affecting their own constituencies, members of the House of Commons need adult supervision, and plenty of it, and perhaps the only place they can get it is here in the Senate.

How well I remember Bill C-69, a few years ago, which, while it came forward as a government bill, was actually drafted in an all-party committee of the House of Commons. For back-scratching and axe-grinding, one could not find a more beautiful example than Bill C-69 which, to our credit, we did not allow to go through.

My intervention tonight is sparked by a report on Friday, December 3, in *The Globe and Mail* over the byline of John Ibbitson, speculating that the government and opposition parties in the House of Commons had quietly agreed to shelve — I think “sink” was the verb that was used — Bill C-12. Just for the record, and to remind honourable senators, Bill C-12 would add 30 additional seats to the House of Commons, of which 18 would go to Ontario, 7 to British Columbia and 5 to Alberta, thus going some distance to correcting the disproportionate allocation of seats among the provinces. When I say “disproportionate,” I mean the number of seats that provinces are allocated in proportion to their population.

When this report surfaced in *The Globe and Mail*, the immediate response of government and spokesmen for at least one opposition party in the other place was to deny, deny, deny. They were hurt and indignant. They were shocked that anyone would think that they had any ulterior motives in mind, even in respect of a bill that had been on the Order Paper over there for more than eight months, since April 1, 2008.

How dare anyone suggest that they were ragging the puck, even allowing for the fact that two predecessor bills had also died on the Order Paper. Bill C-56 had received first reading on May 11, 2007, and was never brought forward for a moment's debate at second reading and died on the Order Paper. Bill C-22 got first reading on November 14, 2007. It was brought forward for debate of one day at second reading in the House of Commons, that is February 13, 2008, and it, too, died on the Order Paper. Bill C-12, as I say, has been on that Order Paper over there since April 1, 2010. It has never been brought forward for a moment's debate, and, let me say, so far as I am aware, there has been no pressure whatsoever from opposition parties to bring it forward.

Honourable senators can see what we are up against. Mr. Ibbitson is a reliable and reputable reporter, so far as I know. However, we must take the spokesmen for the parties at their word.

Let me also say this: While this bill has been on the Order Paper since April 1, 2010, I have no hesitation in saying — and I think I can say it without challenge — that many less-important matters have gone through the House of Commons in three readings, the Senate in three readings and have received Royal Assent over those eight months.

The reason for intervening now is to emphasize the importance of moving ahead with this bill. I point out that the addition of those 30 seats is to take effect after the next decennial census. We know that decennial census will take place in 2011. It starts right after the turn of the new year. If past history is any guide, what happens is that Statistics Canada completes the census and turns over the data from that 2011 Census to Elections Canada before the spring of 2012. In the last exercise, which was after the 2001 Census, it was on March 12, 2002 that the population data were turned over to Elections Canada.

From that moment, the redistribution process begins and it is carried on according to a fixed schedule, fixed in the law. Commissioners have to be appointed, public notices have to be published, public hearings have to be held, and there are time frames for each of those things. The whole process takes about 15 months, until finally the new representation order is in effect.

The point of putting this information on the record is to underline that if Bill C-12 is not in place by early 2012, then the redistribution following the 2011 Census will be done on the basis of the present law, in which case Ontario would get not 18 additional seats, but four; British Columbia, not seven additional seats, but two; and Alberta, not five additional seats, but one. I point out what I think must be obvious to honourable senators: If that happened, the disproportionate situation would last right through the decade into the period following the 2021 Census. There is a lot at stake here.

Senator Duffy: Why are they delaying it?

Senator Murray: For the reason they always delay it: They do not like change. The addition of new seats will complicate for them the drawing of boundaries in the individual constituencies, and I will come to that in a minute.

They do not like change. Twice during the 1990s they tried to put off or manipulate redistributions to their own advantage, and I do not mean advantage to a particular party either. When it comes to this, there is a touching degree of inter-party harmony, and that is why they need some adult supervision from this place.

For the record, and not to reopen any sensitive spots, I should indicate that there is already a small — more than a small — imbalance by reason of the so-called Senate floor, which adds two seats to what Nova Scotia would, by strict rep by pop, be entitled; one seat to what Newfoundland and Labrador would be entitled; and three to what Prince Edward Island would be entitled. On top of that, there was the 1985 Representation Act, under which no province could have its representation in the House of Commons reduced below what it was in 1985. That has protected, and continues to protect, Saskatchewan to five additional seats; Manitoba, four; Quebec, seven; and Nova Scotia and Newfoundland and Labrador, one each on top of the additional seats that they already get by reason of the Senate floor.

Various people have tried to tackle that 1985 representation order, including the Lortie Commission back in the early 1990s. I think the government has proposed a fairly elegant way of dealing with it. They leave it there, but they add seats to the House of Commons to take account of the population growth in the faster-growing provinces.

• (1910)

I come to the point that I alluded to in my brief exchange with Senator Duffy, and that is the question of the constituencies. I draw honourable senators' attention to the third preamble in Bill C-12, which reads:

Whereas the populations of faster-growing provinces are currently under-represented in the House of Commons . . .

— and I draw your attention to these words —

. . . and members of the House of Commons for those provinces therefore represent, on average, significantly more populous electoral districts than members for other provinces;

If they do not get on with it over there in the House of Commons and have this bill passed through the House of Commons and Senate in time for it to be applicable after the 2011 decennial census, what will happen is that with fewer seats than Ontario would be entitled to — to take Ontario as the example — the constituencies, of course, will have to be larger.

Let me say that after the 2001 Census and the redistribution in 2004, the commissions appointed for each province did a terrific job. There is this 25 per cent tolerance that is permitted in the population of any constituency, a 25 per cent variation from what should be the provincial quotient.

Too often in the past the commissions have availed themselves of it. I have always argued, and others have argued, that that tolerance should go down to about 10 per cent, or even 5 per cent.

I was delighted to see that in the reports that those commissions brought in, the maps they brought in after the 2001 Census, the vast majority of constituencies ended up with a variation from the quotient of less than 10 per cent, and a considerable number, a variation of less than 5 per cent — so hats off to them.

However, the interesting thing is the changes in population that have taken place even since the 2001 Census. I obtained the other day from Elections Canada the results of the 2006 Census, and Elections Canada took those populations and transposed them on to the electoral districts. I see that the populations have grown so considerably in some of those constituencies that they are way beyond what the quotient should be and what the quotient was as recently as 2001.

For example, the Quebec constituency of Montcalm had a variance from its quotient of 9.5 per cent in 2001, and in looking at what the quotient would be for 2006, it is 22.07 per cent. That reflects the growth of Montcalm in population. It has gone from 105,000 to 122,000.

I assure honourable senators that there are numerous such examples in the province of Ontario. The one that immediately comes to mind in alphabetical order is Barrie, where the constituency of 103,000 population was 3.65 per cent below the variance in 2001, and it is today 14.06 above the variance; and so it goes.

Bramalea—Gore—Malton was 11.3 per cent over the variance in 2001, and 35.6 per cent over what would be the 2006 quotient.

I do not think I have to say any more. The details are there for honourable senators to examine if they desire. It is quite remarkable how populations have grown in some provinces, but more particularly in some of those constituencies.

The point I make is that, unless the provincial imbalances are corrected, and corrected by proceeding with that bill in the House of Commons, the constituency imbalances will worsen to the great detriment of electoral democracy and representational democracy in this country.

Hon. Grant Mitchell: Honourable senators, I would like to make some comments under the tradition of some latitude with budget bills of this nature.

I would first say that mention was made of Alberta possibly getting five more seats. I began to think that if only we had five more seats about three weeks ago, we maybe would have had one of those new members of Parliament who could have prevailed upon the government to do something that the 27 we already had from Alberta, the Conservatives, could not do, and that would be to get funding for Expo 2017. Maybe we just do not have enough seats. Maybe that was it. Certainly, we do not have enough Liberal seats.

I had some trepidation and some reluctance as I thought about saying what I am about to say, but I was provoked in a positive way by Senator Marshall's question to our colleague Senator Day on Thursday when she said:

With the information that is being provided, does the honourable senator not think the government is on track with its expenditure plan?

I began to question which information could possibly be provided to give anyone any sense that this government is on track with its expenditure plan. I would like to discuss several areas where I think they are so clearly off-track that I actually have no confidence, no evidence, and no indication that they will ever get back on track. What we have had for the last five years, which has not been very good, certainly will not improve over the next, hopefully, only weeks or months before they call an election, which they will lose.

The first area I would like to talk about is the question of managing the economy. The only claims that the government can make to managing the economy that I can catch are two kinds of claims that they repeat often and yet they cannot really take credit for them. One is their stimulus package. However, we all know that we would not have had a stimulus package had they not been brought to the brink of destruction for their government by the opposition during that tumultuous period two years or so ago which forced them to bring in a stimulus package.

In fact, just weeks before they came to that conclusion and announced it, the Minister of Finance had said, "There is no problem. We have no recession." The world knew there was a recession. Every economist in this country, except one, the Prime Minister, knew there was a recession. The opposition forced the stimulus package, which has led to some performance in the economy; nevertheless, not anywhere near the performance that it might have had had it been implemented properly. There is much evidence that when it was implemented, it was implemented in a biased fashion that was driven by politics.

Second, the Prime Minister often takes credit for the tremendous strength of our banking industry. Yes, we have a tremendously strong banking industry, but I remember this very same Prime Minister in the old days, before he was Prime Minister, saying that the banks should be far, far less regulated. In a very American Republican way and turn of phrase, that was the point he made.

The claim to economic management comes down to two things. One is the stimulus package, which was not their idea, and the second is a strong banking system, which would have been eroded by his first initial gut initiative on policy to deregulate banks.

What I want to say is that they are welcome. The Liberals gave them those two things, and thankfully they did. However, if one looks at the results, the growth in our economy is significantly down, and it can be blamed on the worldwide recession. Unemployment is up 30 per cent and, while some jobs have been recovered, many of those jobs are not quality jobs to replace the ones that have been lost. They are temporary, part-time and without the same strength and stability as the jobs that were lost.

When this government says that it can somehow manage an economy, I say, let us look at the facts. Let us look at the information we have before our very eyes. Let us look at results, because as many people in the private sector will know, results actually count, and they should count here, but they are not being counted by this government.

Next is the question of fiscal responsibility. I have absolutely no faith whatsoever that this government can manage the fiscal regime of this government. Why would I? There is absolutely no evidence that they have or that they can. Let me itemize that for honourable senators.

This is a government that increased spending by \$80 billion in four years — \$80 billion. That is a 40 per cent increase from the day they started to this fiscal year. That is the hard-nosed, tough-minded, fiscally-responsible government: \$80 billion. It is incomprehensible that they would do that. That resulted in a \$56 billion deficit, a record. They will say it is because they had to do the stimulus package, and I will say, again, they cannot add because the stimulus package is, what? We cannot really find out exactly, but maybe \$30 billion or \$40 billion. Let us say it is \$35 billion. Not all of that was spent last year. Only part of that was spent last year and a good chunk of it will be spent this year. Now, because the government has extended the March 31 deadline — and let me get to that because that is another serious problem the way they went about doing that — some of it will be spent there.

• (1920)

Let us say \$20 billion of stimulus was spent last year and would be, therefore, placed against the \$56 billion deficit. Take that \$20 billion out and you still have a \$36 billion deficit. That is bad management. That is not worldwide recession or responding to it. That is bad management. It is too much money that you do not have and borrowing to spend \$36 billion.

Honourable senators, this year the government wanted to get the cut-off for the March 31 stimulus package because they did not want to have to count any of that money in next year's because maybe just next year you can start to develop a better deficit profile. Again, what the government forgets — again because they do not know how to manage properly — is that all of those municipalities had to jam their projects to meet that deadline. When they do that, they push up their costs. They had to spend a lot of money that they might otherwise not have had to spend because the government was playing politics to make itself look better next year.

Honourable senators, that deficit will not be much lower this year, and I doubt that it will be much lower next year. When confronted with the problem of a \$56 billion deficit, what do you do? Well, we get jets that are not being tendered. That is not particularly fiscally responsible, and estimates are that it will cost us \$3 billion that it does not have to, minimum. Furthermore, you have billions of dollars for prisons that will not help make society any safer, but will make them worse. You also have the UAE, Camp Mirage, \$300 million — and that is only what we know. What will it cost us when we have to rent this new air base for the four years for the extension of Afghanistan? What is the Prime Minister's response to that? Honourable senators, his response is not to show leadership by reducing his costs. He bumps his costs 30 per cent of his office costs. Why does he do that? He does it not for some productive policy analysis or better, God knows, control of his cabinet and his government. He bumps his costs because he wants to spin the case and the message in ever increasingly intense ways because he does not want to deal with the facts.

Honourable senators, I look at that and I say, what confidence would I ever have, would we ever have, that they will manage this any differently in the future? I think there are two problems at least. One is that the ideology does not work. Sometimes the government has to be in partnership with the private sector, with individuals in society, and so on, to make things work.

Government leadership is essential in many ways, in many times appropriately done. You admit it because when the crunch comes you abandon your ideology and you intervene to create stimulus or, you abandon your ideology and you intervene to save the Potash Corporation for Canada. I say it is some of that and it is some dogma as well, this black and white, the world should be simple because that is how we want to view it, but it does not work.

The third area where I have tremendous concern is with foreign relations. Honourable senators, look at what has happened to our stature in the world. We lost the seat in the UN and we lost the UAE air base at huge cost. We have much anecdotal evidence of people just looking at us completely differently when we are abroad, and you can see it in Cancun and how Canadians were being treated at Cancun. Why has that happened? One, we denied

any kind of respect for China for four years. When the Prime Minister finally went to China, he was actually reprimanded on an international stage in public by the Premier of China. It is incomprehensible, but that is what happened.

We have failed to understand and grasp the importance of international maternal health care, and because reproductive health care was forgotten in our policy, we lost tremendous credibility. I remember Secretary Clinton, again, being very cold with us at an international press conference and not doing a joint press conference with our minister; unprecedented to see that.

I see that we had no help from the U.S. in trying to win our seat in the UN. Why would that be? Because we were absolutely unhelpful at Copenhagen with, among other things, climate change. We provided them no support whatsoever, and I can go on.

Honourable senators, if we do not have this kind of stature in the world that we once had, what does that do for us back home, for Canadians? Who will have the stature, the power, the presence to defend the seal hunt? Who will have the stature, power, and the international presence to defend Alberta's oil sands? Who will have the stature and the power to get strong international trade agreements with countries that will look at us in a way that they have not looked at us before? Who will be able to defend Israel if we have no stature in the international community? Who will have the significance and where will that come from? We have lost that. We have lost it because it is a dogma that I believe simply does not work.

Honourable senators, I would say here are some structural problems that account for these difficulties that no amount of information that Senator Marshall has conjured up and has called to our attention will dispel. The fact of what has occurred is the information that dictates what, in fact, I believe we can expect. There is an ideological problem. You have to intervene sometimes. That ideology does not work all the time for sure. There is a dogma problem. The world is not black and white, and it is not clear all the time. There are complex issues that need complex decisions and complex solutions.

I think there is a real problem with the way the federal government has failed to collaborate with the provinces. In five years, the Prime Minister has met once, for two and a half hours, for dinner at 24 Sussex Drive with the premiers. Why would we not want to be meeting and working with and collaborating with the 10 provinces and the three territories? Is not there some synergy and strength we can get by working together? That is not happening; absolutely not happening. If you were the Prime Minister, anyone reasonable, would they not want to meet with the premiers to see how we could run this country together and collaborate and bring people together? You can only build strength this way.

This will be sensitive, and you will probably get mad at me, but, then, that is your steady state with me. The fact is that there is a problem — and I can only look at it from outside, but there is at least anecdotal evidence — with the leadership.

One, great leaders pursue great problems. They embrace them and they meet those challenges. Great leaders always do that. No great challenges here. Ask yourself the question: What is the

legacy of this government? What have they done to make this place better? How are people happier or more prosperous or more optimistic about the future? What have they done for climate change? Ask yourself that. Try to give yourself a legitimate answer to that question. I would say nothing is the legitimate answer.

Honourable senators, the second issue with leadership, I believe, is the sense that great leaders attract and hold great people. I am not saying he has not got some great people; maybe he has. One of the greatest that he had was Jim Prentice, a high-quality person. He has left. That is a red flag for me. One day, after Peter MacKay figures he is being undercut enough, he will probably go, too.

Finally, and this struck me starkly when I saw the Prime Minister calling for special reports on stimulus package signs, special reports on his desk, I said we have got a Prime Minister who is so worried about signs that he would take his time to look at reports on signs. Who is worried about the deficit of \$56 billion when he is worried about signs? Who is worried about the extension in Afghanistan when he is worried about signs? Who is worried about health care when he is worried about signs? This is appalling and this is really anecdotal, but, if you look at his desk, it is piled with files. I go into a CEO's office in this country; nothing on the desk. I have been into other Prime Minister's offices; nothing on the desk because they are not bogged down in paper. They have time. They have cleared their desk and they can think. I believe that the Conservative government has a prime minister who wants to control and bind and hold, and it does not work.

In fact, this country is very obviously complex, and it is far too complicated for an individual, a single person, to try and control and run it, and I think that is a structural problem. I submit it. I may be wrong, but we will see in time. What I know right now is that we have structural problems in the way that this government has run itself for five years, and I do not see any evidence whatsoever as we approach giving them another \$4.2 billion that these structural problems will be solved. That, I think, is the nut of this debate.

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1930)

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—THIRD READING

Hon. John D. Wallace moved third reading of Bill S-10, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, as amended.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. George Baker: Honourable senators, I want to say a few words — and I am serious it will only be a few words. I thought Senator Wallace was planning to speak to the bill, but I presume he was attempting only to have the bill read a third time and that was it.

I will be brief because I know there are perhaps other people who want to speak on this bill and it is getting late, and we do not want to be too political here.

The subject of the bill is, of course, drugs. When I looked at the bill a few moments ago, I thought about the senator who recently has been addressed more than any other senator in Canadian court cases relating to drugs and impaired driving, and that is Senator Stratton.

This example is perhaps a lesson for all honourable senators in realizing that what they say in the Senate is often quoted in our courts. What they say in the House of Commons is never quoted; but what we say in the Senate is often quoted.

I see it in the case law that I read every day. I noticed, in the year 2008, that with the bill that we passed in 2007, Senator Stratton's name kept coming up. I will read for honourable senators when it started in 2008, with the Ontario Court of Justice, in *Her Majesty the Queen v. Mr. Van Corish*, the accused, 2008, Carswell Ontario 6529. It started this way with Senator Stratton's name, paragraph 28:

Senator Stratton, speaking as sponsor of the second session Bill C-2 in the Senate, also referred to the purpose of the legislation as restricting evidence to the contrary to "scientifically valid defences."

Then there is a footnote that refers to footnote number 14. When we go to footnote number 14, it says.

Speech of the Senator Stratton, December 4, 2007, *Debates of the Senate*, Hansard, volume 144, number 19, second session, Thirty-ninth Parliament.

Here is the point. When we then look at the case law relating to drugs and impaired driving, drug-impaired driving, we notice that the same quote keeps coming up. Here is the British Columbia Supreme Court in 2009, in *R. v. Throug*, 2009 Carswell B.C. 33. In paragraph 28, it says, without a footnote:

Senator Stratton, speaking as sponsor of the second session Bill C-2 in the Senate, also referred to the purpose of the legislation as restricting evidence to the contrary to scientifically valid defences.

Then we see a whole group of cases in which the same words are used, which go back to 2007. We come to a month ago, 2010, Carswell Ontario 5685, the Ontario Court of Justice, at paragraph 10. It then goes into a larger quote:

Senator Stratton, speaking as sponsor of the bill, second session Bill C-2 in the Senate, also referred to the purpose of legislation as restricting evidence to the contrary.

The point is, honourable senators can imagine now a fellow who has gone through a trial and has been convicted. The judge reads the judgment and he says Senator Stratton says that your evidence to the contrary does not work because of such-and-such. I can imagine the numbers of people who are in jail today who are wondering who Senator Stratton is.

I want to mention that point, honourable senators, in passing because Senate proceedings are often referenced as they pertain to these bills, especially concerning the Criminal Code. We have one before us now and I imagine what will take place if Senator Wallace stands up to say a few words on behalf of the government. That speech will be read by judges in the future to try to figure out what exactly the purpose of the legislation is; and those people who are convicted and who are in jail will ask, "Who is Senator Wallace?"

It is important to keep in mind the purpose of the Senate. This bill is interesting from the point of view that this is the first sober thought, not the second sober thought; this bill was introduced in the Senate, not in the House of Commons. Whenever one is asked the role of the Senate, we normally say "sober second thought"; but with minority governments, as has been the tradition recently, it is sober first thought.

I think that tradition is a good thing. I think the government has started a good thing because this bill is amended. Interesting, is it not, that the bill was introduced into the Senate and it was amended in the committee by the committee members? It is a good amendment. If it were introduced in the House of Commons, it never would have been amended because the portion that was amended in this bill related to the reporting of the bill after an analysis of the effect of mandatory minimum sentences as it relates to the Controlled Drugs and Substances Act.

When the bill came before the committee, the committee members thought that what was in the bill was not sufficient because it said that an analysis will be done after two years of the implementation of the bill. Honourable senators heard evidence that we would have to wait for at least five years before we found out the effect of mandatory minimum sentences. Some of these cases take four and five years to prosecute after this bill comes into effect. That amendment was a major change that was made in the bill that was introduced by the government.

I think it is also important, honourable senators, that it was introduced into the Senate in this case — and in many other cases, it would be helpful — because it helps the members of Parliaments. The Senate has witnesses before it that the House

of Commons do not call. For example, the Canadian Association of Crown Counsel was never called before the House of Commons Standing Committee on Justice and Human Rights. The Public Prosecution Service of Canada was never called by the House of Commons standing committees.

• (1940)

I do not know why that is. It appears as if the House of Commons deals more with different witnesses. The Canadian Defence Lawyers association is called before the House of Commons committee, as are interest groups. However, a better representation of evidence is given before the Senate.

After this bill passes, MPs can look at the evidence and actually see what the major concerns in the bill are. We are doing a function of first sober thought for the House of Commons.

As honourable senators know, I am not really in favour of this bill at all, on the basis of one of its provisions. I will not go into any extended logic on the provisions of the legislation. However, let me reference my major concern so that the MPs can perhaps look at it and make up their own minds as to whether or not this concern is worthwhile.

My concern is that it brings in mandatory minimum sentences. I am concerned that some people who are, for example, giving prescription drugs, such as Tylenol 3 or Tylenol 4, to someone who has pain, will be caught in this bill. I believe it was Senator Banks who attended one of the committee meetings and tried to pursue that question. There were police officers in the committee who were specialists, one in grow ops and the other in cocaine. I believe there were also two lawyers via video conference.

Senator Banks wanted to make the very point I just mentioned regarding prescription drugs. Senator Banks started off his questioning by asking, "Is Tylenol 3 or Tylenol 4 a narcotic?" Do you remember that Senator Banks? Unfortunately, the people there did not know the answer to the question. I could understand that, because the police officers were specialists in other areas of drug enforcement, and perhaps the lawyers had never prosecuted such a case.

Therefore, he never went beyond that.

However, I want to assure Senator Banks that they are narcotics because a narcotic is defined as any substance listed in the schedules of the Controlled Drugs and Substances Act, formerly the Narcotics Control Act.

For the benefit of other senators, I decided to look briefly at a couple of interesting recent cases where somebody did give someone a Tylenol pill. One example is the case of *R v. Leduc*, 2008, ABPC 315.

With this bill, honourable senators, it is important that we and Canadians know the law. One cannot have in one's possession drugs that are prescribed to someone else. That violates the law. In this particular case, the substance is codeine, which is listed as a Schedule 1 drug. If one gives it to someone on a university campus, it carries a minimum two years in jail, if prosecuted on it.

The question arose as to whether prosecutions take place. In the case I just mentioned, at paragraph 21 of this public Alberta court document it states:

Mr. Thomaskjewski testified that the accused asked if he could give him something for the pain, some Tylenol 4's. As he felt sorry for the accused, he gave him the pill bottle in question as the accused needed 30-40 pills. Mr. Thomaskjewski testified that he got the prescription for the Tylenol 4's from Dr. Sawicki for pain resulting from medical problems that he would not give details of. He further advised that he gave the Tylenol 4's to the accused because the accused was his friend and was "in a bigger problem" than Mr. Thomaskjewski because the accused had a broken hand. . . .

What was the judgment of the court? As for all these cases, there was a lot of evidence. The accused had given evidence and shown the prescription from his own doctor. However, this was a prescription of Tylenol pills given by Mr. Thomaskjewski's doctor. The judge concluded on the basis of evidence:

. . . I am convinced beyond a reasonable doubt that the accused had possession of codeine, a prohibited substance, contrary to the provisions of Section 4(1) of the Controlled Drugs and Substances Act.

There are many cases. There is another one in which a gentleman had 43 Tylenol 4 tablets and he claimed he had a prescription for 30. He was convicted and the bottom line was 15 months in jail.

The point is this: It is not unusual to see prosecutions concerning Tylenol 3 or 4. In another case, Tylenol 3 was found inside a wooden box.

In answer to Senator Banks's question, when we pass laws that perhaps need to be passed, according to someone's opinion, it is important that we understand what they mean.

There are cases that deal with university campuses. Here is one: Guilty of trafficking two tablets of Ecstasy to an undercover police officer at the Pacific Coliseum. There is case after case of single pills, guilty of trafficking.

Honourable senators, my concern about this particular bill is that it introduces a two-year minimum sentence if someone is found at a school or near a school ground — a school of medicine, school of law, school of dentistry or a university. One of the witnesses said an advertising campaign really should accompany this bill, so that people would understand what the law is. As honourable senators know, ignorance of the law is no excuse and that is section 19 of the Criminal Code. That is not a defence and it is especially important when it comes to prescription drugs.

A moment ago, Senator Angus provided a bit of a solution to the problem. He put the questions forward to the Crown prosecutors, asking, "Is it not true that you have discretion?" A prosecutorial discretion is built into the bill such that if a Crown attorney feels that a prosecution should not take place, the Crown attorney can short-circuit the prosecution either by not producing

the evidence of the examination of the drug to prove it is codeine or, in the case of someone with a previous conviction, by not entering their record.

• (1950)

A bit of an argument ensued at committee but I think Senator Angus had won the argument that indeed, a leeway was present in the bill. That is a way for a Crown prosecutor to come to the conclusion not to prosecute. As honourable senators know, prosecutorial discretion is not questioned and is not appealable.

Honourable senators, I congratulate the Standing Senate Committee on Legal and Constitutional Affairs for the excellent work of Senator Joyal, Senator Fraser, Senator Chaput, Senator Carignan, Senator Boisvenu, Senator Angus, Senator Lang, Senator Rivest, Senator Runciman, Senator Wallace and Senator Watt. Senator Stewart Olsen was also at the committee and took great exception to remarks I made concerning the minimum number of cannabis plants that should trigger a mandatory minimum sentence. We provided a great service to the members of Parliament. I hope they read the transcripts of the committee meetings so that they will know more about Bill S-10 than if it were introduced in the House of Commons.

Senator Wallace: Honourable senators, I will comment briefly on Senator Baker's remarks. I compliment Senator Baker on his thoroughness. Regardless of the bill before the Senate Legal Committee, Senator Baker gives it deep thought; and his comments are helpful most often. I do not always agree with him, but he leaves no stone unturned; and I thank him for that.

I apologize somewhat because my comments are repetitious, in part, of what I said last week when responding to Senator Watt's proposed amendment to the bill. However, it is important to go back briefly and remind honourable senators of the key elements of this important bill. All bills are important to its sponsor, especially when the subject matter has great consequences for society.

As most honourable senators are aware, last year the Standing Senate Committee on Legal and Constitutional Affairs held several days of hearings on Bill C-15, the predecessor of Bill S-10. The committee heard from a wide variety of witnesses, including government officials, academics, and law enforcement representatives. More recently, the Legal Committee during its consideration of Bill S-10 heard from many other knowledgeable witnesses.

Honourable senators, after listening to Senator Baker raise the point about Tylenol pills, I must say that what cannot and should not be lost in all of this is that the focus is on serious drugs. The Honourable Rob Nicholson, Minister of Justice, sees the issue of serious drugs in this country that we must come to grips with. Are the solutions easy; no. Are there perfect solutions that will remedy the problem in each circumstance; no, probably not, but we have to put our best effort forward. We have to protect society, our communities and our families as best we can. I emphasize to honourable senators that Bill S-10 focuses on serious drug crimes, and I will provide more detail in a moment.

The serious drug crimes that Bill S-10 addresses include marijuana grow operations and clandestine methamphetamine labs that continue to pose serious threats to the safety of our streets and communities. In this respect, Bill S-10 is a critically

important component of our government's comprehensive strategy to address Canada's illicit drug problem. This bill is not a one-shot effort and does not stand unto itself. Rather, it is part of a comprehensive strategy to deal with the illicit drug problem.

Honourable senators will recall that this government stated clearly in its platform that it would introduce a national illicit drug strategy. As a consequence, the National Anti-Drug Strategy was launched by our government in October 2007. It is a focused approach to tackling illicit drug issues in this country. It includes three separate but interrelated action plans; the objectives of which are as follows: first, to prevent illicit drug use; second, to provide treatment to those with illicit drug dependencies; and third, to combat both the production and distribution of illicit drugs. The National Anti-Drug Strategy also provides the following funding requirements over a five-year period: \$30 million is designated specifically for the prevention of illicit drug use by young people; \$100 million for providing treatment for people with drug addictions; and \$102 million to combat both the production and distribution of illicit drugs in this country.

In total, our federal government's financial contribution toward all of these anti-drug initiatives over the five year period is \$232 million. If Bill S-10 is enacted, the contribution will increase by another \$67 million for a total under the National Anti-Drug Strategy of close to \$300 million.

Of these three specific plans, the Prevention Action Plan supports efforts to prevent youth from using illicit drugs by enhancing their awareness and understanding of the harmful social and health effects of illicit drug use. It also seeks to implement effective community-based initiatives to prevent illicit drug use.

The Treatment Action Plan supports innovative and effective approaches for treating individuals with illicit drug problems as well as those who pose a risk not only to others but also to themselves. The Treatment Action Plan promotes collaboration among governments and non-governmental agencies to increase access availability to drug treatment services and facilities.

The Enforcement Action Plan enhances law enforcement efforts to investigate and prosecute drug crimes. It increases law enforcement's capacity to combat marijuana grow operations as well as synthetic drug production and distribution operations.

Once again, it is part of an integrated comprehensive plan. For example, the first Canadian drug initiative to focus specifically on a single class of drugs, known as the Synthetic Drug Initiative, is designed to eliminate both the production and distribution of illegal synthetic drugs in Canada and to reduce the overall influential of organized crime in the trafficking of drugs in Canada. This drug initiative is led by the RCMP, and targets the synthetic drug industry on three separate and interrelated fronts; first, enforcement; second, deterrence; and third, prevention. Coordinated action on all three fronts is absolutely necessary to combat effectively both the production and use of these illicit drugs.

The Enforcement Action Plan that combats production and distribution of illicit drugs contains a number of key elements, including ensuring that strong and adequate penalties are in place for serious drug crimes.

It is within this context that Bill S-10 must be viewed. Bill S-10 proposes amendments to strengthen the Controlled Drugs and Substances Act provisions in respect of penalties for serious drug offences by ensuring that they are punished by the imposition, in certain specific circumstances, of mandatory minimum terms of imprisonment.

With these amendments, the government clearly and effectively demonstrates its commitment to improving the safety and security of all communities across Canada.

Honourable senators, the government recognizes and acknowledges that not all drug offenders and not all drug activities pose the same degree of risk of danger and violence. Bill S-10 clearly recognizes this fact and that is why what is proposed in this bill is both a focused and targeted approach. Accordingly, the new penalties proposed in the bill would not apply to drug possession offences, nor would they apply to offences that involve all types of drugs. This bill focuses on the more serious drug offences that involve the more serious drugs.

• (2000)

Overall, the amendments proposed in this bill represent a tailored approach to the imposition of mandatory minimum penalties for serious drug offences, and in this regard the serious drug offences include drug trafficking, drug importation, drug exportation and drug production. As I have just mentioned, this bill does not target all drugs. Rather, its focus is on what is known as Schedule I drugs, that is, drugs that include heroin, cocaine, methamphetamine, and Schedule II drugs that include cannabis.

Finally, I want to make it clear that Bill S-10 proposes to impose mandatory minimum penalties only in those cases where serious aggravating factors are present in the commission of a drug crime.

Honourable senators, the mandatory minimum would only be applicable if one or more of the following factors is present in the crime: When the criminal offence is committed for the benefit of or at the direction of or in association with organized crime; when the offence involves violence or threat of violence or weapons or the threat of the use of weapons; when the offence is committed by someone who is a repeat drug offender, that is, someone who has been convicted within the previous 10 years of a designated drug offence; when the offence is committed by someone who abuses his or her authority or position; or, when the offender has access to a restricted area and uses that access to commit the crime.

As you can see, honourable senators, the offences that could attract the mandatory minimum sentence are very specific, very limited and are targeted to the most serious circumstances that could involve drug trafficking and drug production.

For the offence of marijuana production, the bill proposes mandatory minimum penalties that are based upon the number of plants that are involved in the drug production crime. In cases where the drug production involves from six to 200 plants and if the Crown is able to prove to the satisfaction of the court that the plants were cultivated for the purpose of trafficking the bill provides for a mandatory minimum of six months imprisonment. In cases where the drug production involves from 201 to

500 plants and it can be proven that they were cultivated for the purpose of trafficking, the bill provides for a mandatory minimum of one year imprisonment. In cases where the drug production involves more than 500 plants, again cultivated for the purpose of trafficking, the bill provides for a mandatory minimum of two years imprisonment. Again, those offences are not offences of possession; they are offences that involve production for the purpose of trafficking, which must be proven by the Crown.

Cases involving the production of cannabis resin for the purpose of trafficking would result in a mandatory minimum of one year imprisonment. Mandatory sentences for the production of Schedule II drugs would increase by 50 per cent in those circumstances where certain other serious aggravating factors are present that relate to the health and safety of our citizens.

The Government of Canada recognizes that cannabis cultivation has become a very serious problem during the last several years. Indeed, over the last decade, domestic operations related to the production and distribution of marijuana have increased dramatically resulting in a problem that is so serious in some regions of Canada that law enforcement capacity is often overwhelmed.

These criminal drug operations pose very serious health and public safety hazards for those in and around them, and we heard clear evidence to that effect from the witnesses who appeared before us in committee. They produce environmental hazards, pose cleanup problems and endanger the lives and health of our communities. They are lucrative criminal businesses that attract a wide variety of organized crime groups. The huge profits made from these criminal grow operations are available with little risk to operators and result in profits that are then used to finance other criminal activities.

Most certainly Canadians expect to be protected from criminal offenders who are involved in these marijuana grow operations and who threaten their own personal safety and the safety of their families. They also expect protection from drug gang turf wars that have created fear and anxiety within many communities and neighbourhoods in our country. We do not have to go too far back in the newspapers to find evidence of what drug gang wars can lead to, and it is not good.

Accordingly, this bill not only proposes mandatory minimum penalties for the production of cannabis, but also doubles the existing maximum penalty for producing marijuana from seven years to 14 years imprisonment.

Honourable senators, the Government of Canada is very sensitive to the concerns of Canadians with regard to the levels of violence that are perpetrated against women, including the deplorable problems of dating violence and the use of date rape drugs.

Accordingly, under Bill S-10 the date rape drugs GHB and Rohypnol would be transferred from Schedule III of the Controlled Drugs and Substances Act to Schedule I, thereby allowing the courts to impose higher maximum penalties for offences involving these particular drugs.

Presently, the maximum penalty for administering these drugs is up to 10 years imprisonment. With the transfer of GHB and Rohypnol from Schedule III to Schedule I, the new maximum penalty for administering these drugs would be up to life imprisonment.

In August 2005, methamphetamine was transferred from Schedule III to Schedule I of the Controlled Drugs and Substances Act in order to provide access to higher maximum penalties for illegal activities involving methamphetamine. The production of synthetic drugs, however, is not limited to the production of methamphetamine.

The serious and negative impact of methamphetamine production in Canada is well known. However, there also exists what is known as a displacement effect in respect of certain drug offences. By that I mean that as penalties become more severe with respect to offences involving one type of drug that is within a particular class of drugs, there can be a shift by criminal offenders to illicit drug production of another drug that is within the same class of drugs and which drug may well cause a similar or greater level of harm for victims.

Intelligence received from law enforcement agencies in Canada and statistics on drug analysis maintained by Health Canada suggest that the production of the drug MDMA, which is a drug similar in chemical makeup to methamphetamine, is now on the rise. However, offences relating to MDMA and other similar chemical drugs within the methamphetamine class of drugs are not subject to the same level of penalties as are offences involving methamphetamine, a drug that was, prior to its transfer to Schedule I, within the amphetamine class of drugs.

Consequently, Bill S-10 proposes that the methamphetamine class of drugs be rescheduled from Schedule III to Schedule I in order to address the trends that have occurred with respect to MDMA, thereby reducing the risk of a future shift of production to other drugs within this class as a consequence of a lesser penalty.

Finally, I want to remind honourable senators of another extremely important fact, namely, that this bill does provide the courts with judicial discretion to impose a penalty that is other than the mandatory minimum sentence on a serious drug offender who enters and successfully completes a court-approved drug treatment program. This is very important to remember. An offender who submits to and successfully completes a drug treatment program, even though found guilty of the offence, can avoid the mandatory minimum sentence. There is an opportunity for the offender to take steps toward rehabilitation. The government wants to encourage and provide the opportunity for rehabilitation.

The protection of Canadian society from criminals and their criminal activities is a responsibility that this government has and will always continue to uphold and support. The safety and security of our communities, our neighbourhoods and our families demand and require that we never accept anything less. Bill S-10 is, without doubt, a critical component of our government's continued commitment to take the steps necessary to protect Canadians and to make our streets and communities safer places in which to raise our families.

• (2010)

Canadians expect and are entitled to live in a just, peaceful and safe society. To do so, they want, and must have, a justice system that encourages and supports both respect for the law and the administration of justice; that has clear, strong and effective laws that denounce and deter serious crimes, including, of course, serious drug crimes; that imposes penalties on criminal offenders that adequately and appropriately reflect the serious nature of their crimes; and that also removes and separates criminal offenders from the general public when it is necessary.

Honourable senators, Bill S-10 accomplishes all that. Consequently, I respectfully urge each of you to provide your support for the swift passage of this bill.

Hon. Joan Fraser: Would Senator Wallace take a question?

Senator Wallace: Yes, thank you.

Senator Fraser: I would like to begin by saying how much I have appreciated the honourable senator's consistently serious, thoughtful and diligent work, not only on this bill, but on all the bills that come before the committee.

This question is really for the record and for the information of senators who may not have followed the previous iterations of this debate, and it has to do with the understandable stress of Senator Wallace about trafficking as one of the targets of this bill.

Will the honourable senator confirm for us that, under the Criminal Code, the definition of trafficking includes giving or even offering to give something to someone, so that, under this bill, someone who grows six marijuana plants for the purpose of offering some to his brother-in-law at next summer's Saturday night barbecue, or a university student who grows six plants on his balcony for the purpose of celebrating with his friends the end of exams, would be guilty of trafficking if the offers were made?

Senator Wallace: I thank the honourable senator for that question. At the root of her question, the issue is one of production and trafficking of illicit drugs and whether we, as a society and as a government, should send out not just a signal but a strong position as to what we consider to be acceptable and unacceptable in our society. I believe that is exactly what Bill S-10 does.

I realize there are different opinions on the issue. We have had much debate about how many plants should fall into each category. With Bill C-15 in the other place, at one point the production number that would attract mandatory minimums was at one plant, and they increased it to five plants.

There is no magic as to what is the right number. I suppose the point in all this, to me, is that either we make a statement that we will encourage and accept drug production as a way of life in this country, and that is it and we get over it, or we do not.

Is the bill perfect? No. Will it solve all problems? No. With this bill, we are trying, in the most effective way we can, to clearly set out that the type of behaviour that Bill S-10 deals with is not acceptable in our Canadian society. We say that because, as best we can, we want to protect society. I know we all want to protect

our citizens, our families and our children. That is the root of the issue, and I do not think that should be lost when we consider the types of examples the honourable senator just provided.

Having said that, I would acknowledge that trafficking does not require money to exchange hands. That is true. Nonetheless, the point is that we take a serious approach to dealing with drugs in this country, and we do it in a way that society will understand where the line is drawn in terms of what is right and what is wrong. Then individuals can make their choice whether they want to comply with the law or take their chances.

Hon. Sharon Carstairs: Would the honourable senator accept a question?

Senator Wallace: Yes.

Senator Carstairs: I listened carefully to the honourable senator's presentation in which he talked about the \$30 million for youth programs, \$100 million for treatment and \$102 million to combat production, plus another \$67 million, for a total of \$300 million.

Can the honourable senator tell the chamber how much it is anticipated the additional incarceration costs will be as a result of this legislation? As I am given to understand from a recent study by Corrections Canada, the number of women who will be incarcerated will increase by 225 per cent as a result of this bill.

Senator Wallace: Honourable senators, I cannot provide any figures in terms of the direct impact this legislation would have on rates of incarceration. I know that is a question and an issue that has been dealt with on other bills that involve mandatory minimums. Certainly, through the Department of Public Safety and the Department of Justice, it has been acknowledged that rates of incarceration could well increase and that money will be required to provide the facilities to deal with that. We have had assurances that not only will that happen, but that it is happening now.

I realize that, on the other side, there is always the debate of whether the legislation is adequate. We heard from Mr. Don Head, who is responsible for correction facilities, that he is generally quite satisfied and encouraged by the response from the government in providing those facilities.

The honourable senator is quite right that this is a serious matter. If there is a need to separate criminals from society to protect society, there will be a cost of doing that. However, with the right considerations, this is a cost we have to pay to do the job properly.

Senator Carstairs: Many of the penalties will, in fact, result in two years less a day, and many of these offenders will be incarcerated in provincial institutions. What is the plan to compensate the provinces for this additional cost?

Senator Wallace: Honourable senators, this issue has come up before the committee. As I understand it, the issue is at the root of the preparation of Bill S-10 and its predecessor, Bill C-15. There have been extensive discussions and involvement of the provinces in the preparation of both Bill C-15 and Bill S-10. This is not a surprise to the provinces. This is something the provinces have

requested. Law enforcement across the country has requested this, and the departments of justice in the various provinces have been extremely supportive. They realize there is a consequence and that financial matters will have to be dealt with between the federal and provincial governments. Our understanding is that that will take place.

Hon. Tommy Banks: Honourable senators, I want to join Senator Fraser in thanking Senator Wallace for his careful consideration and exposition of the good parts of this bill, and there are many good parts of this bill; in fact, most of this bill is good. If one weighed the provisions, not to say the words in this bill, the vast majority of it is good. No one can argue with putting away for a long time, by whatever means, people who use guns in the commission of an offence and people who do the bad things that are spoken of in this bill.

If the bill did what it said it was going to do, I would have no trouble voting for it. However, I am obliged to vote against the bill because it does more than it says it will do. The purport of the bill, in its summary, says that it is for minimum penalties for serious drug offences.

I have said before how opposed I am to the idea of minimum penalties for anything, which I will address again in a minute, but this bill goes further than that. Senator Baker talked about this earlier, and Senator Wallace answered in response to Senator Fraser that, yes, there are circumstances that none of us would think of as trafficking in a controlled substance which are caught by this bill. Giving your friend a Tylenol because he or she has a headache is an offence under this bill. Growing six marijuana plants in order to have a party with your friends at graduation is an offence under this bill. No money made; just doing it for friends. I know that is not the intent of the bill because it says it is for serious drug offences in the summary.

• (2020)

As I keep trying to remind myself, and sometimes others, we in this place do not pass policy. We cannot rely on anyone saying, "We would not do that; we would not go there; we would not pursue that."

What we are passing is law, or not. We must be concerned, therefore, not with what the present police, judiciary and penology people will do with this law and with the assurances that they give us, but we need to be concerned with how this bill will be dealt with, administered and applied 25 years from now when not many of us will be here. Some of us will be, but not many of us.

We have to look at what the law says, and it says, among other things, that if I give Senator Baker a Tylenol 3 because he has a headache and if we happened to be near a school, whatever that means — "near" is not defined — that is trafficking and I can be prosecuted.

If we do this minimum sentence business, we are removing the discretion from judges about whether to proceed with something and relying instead, as Senator Baker has reminded us, on prosecutorial independence. It will be prosecutors who decide whether to prosecute me for giving Senator Baker a Tylenol and not others. That is the law we are passing.

Let me read you what it says in terms of the aggravating factor of being in or near a school. It says:

(ii) to a minimum punishment of imprisonment for a term of two years if

(A) the person committed the offence in or near a school, on or near school grounds or in or near any other public place usually frequented by persons under the age of 18 years,

It is talking about malls, theatres, concert halls and arenas, for example. That is what this law says.

Honourable senators, I know we must not let the perfect stand in the way of the good. Senator Wallace, most of this bill is good and we would all agree with most of what it says we ought to do. It addresses a problem in ways that Senator Wallace has accurately and fairly described as being not a magic bullet and part of a larger program. However, honourable senators, I must oppose the bill because of those small parts that do not do what the bill says it sets out to do. I know the honourable senator will understand that because we have talked about it before, but I wanted other honourable senators to hear my reasons.

Hon. Charlie Watt: Honourable senators, today I am standing here again to speak to Bill S-10 because I am stubborn, but overall because I am right. On this matter, I respectfully disagree with the position taken by Senator Wallace.

What I heard last week in this chamber was a misguided government plan to further penalize Aboriginal people in the Canadian justice system. There is only one way to take the action of removing a judge's ability to interpret. Senator Wallace called them "our Aboriginal brothers and sisters." In reality, they are victims of culturally intolerant government policy. It is a tough job to be a government spokesman, and I am sure there was a fair bit of holding his nose as he gave that speech last week.

Honourable senators, we must all remember that we have been called to this chamber to do the work that calls for study, integrity, courage, independent thought and action. We are called to vote on our conscience after doing hard work and reflection.

As I reflected on our time together, it struck me that Senator Wallace does not have an understanding of the Aboriginal community or its needs. How could he?

Senator Munson: Your Honour, I cannot hear the honourable senators. Could we bring some order to the chamber?

The Hon. the Speaker pro tempore: Senator Watt has the floor, and I would ask honourable senators to have one conversation only, and that conversation is of Senator Watt. Thank you.

Senator Watt: He has never lived with one of his Aboriginal brothers or sisters. His world view is simply shaped by different factors.

The English language has limitations. Aboriginal people define community differently. They live and work within the community, with their own values and cultural way of life. They are not a

uniform group. In fact, we used to have many hard feelings between Aboriginal nations, but we have been forced to work together in response to illogical and neglectful government policy over the years.

Honourable senators, our Aboriginal brothers and sisters have found themselves in desperate situations that created communities of people driven by hunger, poverty and racism. The other day, my honourable colleague displayed surprising insensitivity to the history of Aboriginal struggles and also seemed to ignore the foundation on which our Criminal Code was established.

Historically, our laws have not been created in a vacuum. Over the decades, many great thinkers have carefully forged the cannon of our laws in this nation. Our Canadian Charter of Rights and Freedoms is the envy of millions of people around the world because it was created through consultation and open dialogue with representatives from many cultures within our nation. We also drew upon the finest legal opinions from around the world. The context of these living documents is very important.

Honourable senators, 20 years ago, the Solicitor General of Canada recognized Aboriginal overrepresentation in our prisons. In a paper entitled *Dimensions of Aboriginal Over-Representation in Correctional Institutions and Implications for Crime Prevention*, senior researcher Carol LaPrairie looked at the relationship between incarceration rates for Aboriginals and the links with socio-economic factors like education, unemployment, lack of skills, income and crime. It is frustrating as we are still talking about the same issues, and on a policy level, Parliament is passing regressive legislation.

As an Inuk, it constantly surprises me that such serious issues are looked at without context. In *Gladue*, the goal was to look at the social context and to respond to the acute problem of disproportionate incarceration of Aboriginal peoples and to encourage sentencing judges to apply principles of restorative justice alongside or in place of other more traditional sentencing principles.

• (2030)

Gladue reminds us that Aboriginal communities understand that offences have occurred, but they see the sanctions differently.

We must work with Aboriginal communities to find a way to deal with offences — on or off reserve — but we must recognize that the penalty must be meaningful and that rehabilitation can be transformative.

In my last speech, I mentioned the issue of Fetal Alcohol Spectrum Disorder and the impact this disorder is having on Aboriginal communities. Recently, Kim Pemberton in the *Vancouver Sun* wrote an article on Fetal Alcohol Spectrum Disorder. She said:

The number of people with fetal alcohol spectrum disorder in Canadian prisons isn't known, but estimates vary wildly — from 15 to 80 per cent.

Exact numbers are not known because no screening methods exist for inmates in either the provincial or federal corrections systems.

Recently, the Canadian Bar Association has also sounded the alarm regarding Fetal Alcohol Spectrum Disorder in our prisons. This association is a group of 37,000 lawyers that have passed a resolution to the effect that the government needs to act regarding Fetal Alcohol Spectrum Disorder. This disorder is a crisis in our jails, yet the government seems to be ignoring this issue.

In my culture, we celebrate the ability to listen and the ability to find consensus. Honourable senators, I am speaking to you today because our prison system is bursting with Aboriginal people. They are taking up too much space. Overrepresentation of Aboriginal offenders in our prison system is a crisis.

By passing Bill S-10 without amendment, it is clear to me that we have failed to recognize the bigger picture. This bill is not about amending the Criminal Code in a line-by-line manner; this bill is about doing the work that we were called to do.

It is my hope that minority circumstances in the other place will allow for more meaningful debate on this matter, and perhaps it will address this issue in a meaningful way, something that the Senate has failed to do. Thank you. *Nakurmiik*.

The Hon. the Speaker pro tempore: Is there further debate? Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Wallace, seconded by the Honourable Senator Mockler, that the bill, as amended, be read a third time now.

Are honourable senators ready for the question?

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

Some Hon. Senators: On division.

The Hon. the Speaker pro tempore: Is it adopted on division, Honourable senators?

Hon. Senators: Agreed.

(Motion agreed to, on division, and bill read third time and passed.)

CANADA CONSUMER PRODUCT SAFETY BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Kochhar, for the third reading of Bill C-36, An Act respecting the safety of consumer products;

And on the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Moore, that Bill C-36 be amended in clause 15, on page 9,

(a) by replacing line 13 with the following:

“information in relation to a consumer product to a person or a government that”; and

(b) by replacing lines 17 to 20 with the following:

“relates only if

(a) the person to whom or government to which the information may be disclosed agrees in writing to maintain the confidentiality of the information and to use it only for the purpose of carrying out those functions; and

(b) the disclosure is necessary to identify or address a serious danger to human health or safety.

(2) The Minister shall provide prior notice of the intended disclosure to the individual to whom the personal information relates unless doing so would endanger human health or safety.

(3) If the Minister discloses personal information under subsection (1) without providing prior notice, he or she shall, as soon as practicable but not later than six months after the disclosure, notify the individual to whom the personal information relates.

(4) For greater certainty, nothing in this”.

Hon. Elaine McCoy: Honourable senators, before I begin speaking on the clock, your honour, may I ask for clarification on a point of procedure? I spoke with the Leader of the Government in the Senate and with the Leader of the Opposition in the Senate, and I believe the table officers are aware and had spoken to His Honour about it, but it has been a long-standing practice of the Senate to stack amendments. In the course of my comments, I propose to move amendments that are not sub-amendments to Senator Banks' amendment. With leave of the Senate, I will proceed; otherwise, I will wait until later.

The Hon. the Speaker *pro tempore*: The tradition in this house has been that in circumstances such as these, we do, in fact, stack amendments, and honourable senators are free to debate any of the amendments before the house.

Is it agreed, honourable senators, that the amendments be stacked?

Hon. Senators: Agreed.

Senator McCoy: Thank you very much. I appreciate honourable senators' agreement on that point.

I will invite all honourable senators to go on a little journey with me, and imagine for a moment how they would feel if suddenly a government official appears at their door, maybe

flashes a tiny identification card, which, if honourable senators are like me, they would have to peer at to read, and without a by-your-leave, enters their premises, sits down at their computer, starts to search, stands up, wanders around their premises, and even begins to seize files and other products that they might sell or produce. The government official not only does that without a by-your-leave, they also do it without any prior notice or warning. They can hold on to those goods for long enough to disrupt a business and maybe even send the owner into financial difficulty.

There are no means to prevent this activity. Imagine how honourable senators would feel. There is no judicial review, there is no recourse for action, and there is no due process.

The business owners ask themselves and probably this official, “What is happening; have I committed a heinous crime of some kind?”

Of course, the answer is no because if it were a serious crime, it would be a police officer at their door, and the police officer would have a warrant from a justice of the peace or a judge before entering, let alone seizing any files or goods.

Perhaps they have been found guilty already of some crime. Again, the answer is no. All we have here is a bureaucratic desire to peek, pick, poke and God knows what else at products and files — a fishing expedition, as Senator Banks and others have said.

It is simple curiosity, based on nothing solid like judicial review or scientific review, and not even an honest belief that the act or regulations have been contravened — nothing.

The worst part is that there is nothing they can do about it and no one they can talk to until well after the fact.

With respect to that little movie, you might be thinking, “Oh, my goodness, no, no, no; that is a Cold War scenario; That is only in Eastern Bloc countries; that is one of the terrible situations that used to exist on the other side of the Great Wall.”

However, it is not true. That can happen to anyone in Canada in the 21 century, not because they are a drug smuggler, as Senator Wallace and others were discussing, a human trafficker or a porn producer. They are someone whose occupation it is to make or sell consumer products in Canada — ordinary consumer goods — and they may be completely innocent of any wrongdoing. Think of it, honourable senators: they may be completely innocent.

The folks at their door who are demanding entry are not even trained police officers. They are Health Canada inspectors, for heaven's sakes, and the only thing someone can do after the fact is complain to other Health Canada inspectors, who probably have their office or desk next to each other and who are about as likely to overturn a colleague's commandments as one might expect.

So we are clear, I will say again what we have all been saying. At its heart, the bill has honourable goals, much as Senator Banks said about Bill S-10, and much as Senator Day, Senator Banks, Senator Cordy and others have said about Bill C-36. The goal of keeping safe products on our shelves, in our homes and in our business is a good one.

• (2040)

We also endorse the idea that they should be withdrawn from circulation, and there should be some teeth in that, if they are considered to be dangerous or likely to have a serious problem.

However, embedded in the minutia of the legislation are disturbing new powers given to bureaucrats that, in their present wording, would go against the tradition which started about 800 years ago — in 1215 in the Magna Carta, to be precise. It is going against the tradition of common law in Canada, for example, the right to due process. It is those powers that I am concerned about, and I would expect honourable senators would be concerned about as well.

The crux of the matter is this: Do we need to rescind our long-standing, established rights and freedoms in the name of consumer safety? My answer is no. That is a false choice, a false dichotomy.

The Meat Inspection Act, for example, is a similar piece of legislation, but the Meat Inspection Act requires inspectors to believe that something is wrong before they enter, seize or inspect products. That is the normal practice in our country, and we have fought hundreds of years to establish and maintain those kinds of rights. Everyone wants a safe world for their families, but I do not think we have to give up our rights and freedoms to achieve that.

I am inviting all honourable senators to join us in voting against this bill, or at least voting for it with some amendments tonight. We should resist unchecked bureaucratic powers and resist the ability of the state to intervene at will in our private business. We should, in fact, stop criminalizing our world. Let us make our world safer, by all means, but let us not lose our rights and freedoms along the way.

MOTION IN AMENDMENT

Hon. Elaine McCoy: Honourable senators, therefore, I move that Bill C-36 be not now read a third time, but that it be amended in the following particulars, and I will summarize those particulars first, and then read them into the record: first, that they reinstate the requirement that an inspector must believe that the act or regulations have been contravened before entering or seizing or searching; second, that a warrant be required before entering; and third, that the common-law defences of due diligence and belief in fact be restored.

Let me read the amendment:

That Bill C-36 be not now read a third time but that it be amended

(a) in clause 21(1), on page 10, by replacing lines 34, 35, 36 and 37 with the following:

“(1) Subject to subsection 22(1), if an inspector has reasonable grounds to believe there has been non-compliance with this Act or the regulations, he may, at any reasonable”;

(b) in clause 22, on page 12,

(i) by replacing lines 19, 20 and 21 with the following:

“(1) An inspector may not enter the place mentioned in subsection 21(1) without the consent of the occupant”;

(ii) by replacing lines 27 and 28 with the following:

“person who is named in it to enter the place if the justice of the peace is satisfied by”,

(iii) by replacing line 30 with the following:

“(a) the place is a place described in”,

(iv) by replacing line 32 with the following:

(b) entry to the place is necessary”,

(v) by replacing line 35 with the following:

“(c) entry to the place was refused”.

(c) by deleting clause 59, on page 31, lines 28 to 41.

I would invite all honourable senators to uphold our rights and freedoms and to accept these amendments this evening.

The Hon. the Speaker *pro tempore*: Honourable senators, it has been moved in amendment by Honourable Senator McCoy, seconded by Honourable Senator Poy, that Bill C-36 be not now read a third time but that it be amended, (a) —

Some Hon. Senators: Dispense.

The Hon. the Speaker *pro tempore*: Shall I dispense, honourable senators?

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: All those in favour of the amendment moved by Senator McCoy and seconded by Senator Poy will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those opposed to the motion will signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the nays have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: Call in the senators.

Have the whips made a decision as to the time?

Hon. Jim Munson: Yes.

Hon. Consiglio Di Nino: Yes, a one-hour bell.

The Hon. the Speaker *pro tempore*: The vote will be at a quarter to 10. The bells will ring for one hour.

• (2140)

The Hon. the Speaker: Honourable senators, just before I put the question, I will invite all honourable senators to require that I have an obligation, pursuant to rule 18, that during the taking of the vote honourable senators will remain in their place and will refrain from undue noise.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, the question before the house is as follows: It was moved by the Honourable Senator McCoy, seconded by the Honourable Senator Poy, that Bill C-36 be not now read a third time but that it be amended:

(a) in clause 21(1) on page 10 by replacing lines 34, 35, 36 and 37 —

Shall I dispense?

Some Hon. Senators: Dispense.

Motion in amendment of Senator McCoy negated on the following division:

YEAS THE HONOURABLE SENATORS

Banks	Joyal
Callbeck	Mahovlich
Carstairs	Massicotte
Chaput	McCoy
Cordy	Mercer
Cowan	Mitchell
Dallaire	Munson
Dawson	Murray
Day	Pépin
Downe	Poulin
Dyck	Poy
Eggleton	Ringuette
Fairbairn	Rompkey
Fox	Smith
Fraser	Tardif
Furey	Watt
Jaffer	Zimmer—34

NAYS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	MacDonald
Ataullahjan	Manning
Boisvenu	Marshall
Braley	Martin
Brazeau	Meighen
Brown	Mockler
Carignan	Nancy Ruth
Champagne	Neufeld

Cochrane
Comeau
Demers
Di Nino
Dickson
Duffy
Eaton
Finley
Fortin-Duplessis
Frum
Greene
Housakos
Johnson
Kinsella
Kochhar
Lang

Ogilvie
Oliver
Patterson
Plett
Poirier
Raine
Rivard
Runciman
Segal
Seidman
Stewart Olsen
Stratton
Tkachuk
Wallace
Wallin—49

ABSENTIONS THE HONOURABLE SENATORS

Nil

• (2150)

The Hon. the Speaker: Honourable senators, the question now is the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Moore, that Bill C-36 be amended in clause 15, on page 9.

(a) by replacing line 13 with the following: —

An Hon. Senator: Dispense!

The Hon. the Speaker: All those honourable senators in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those honourable senators opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Do the whips have advice as to when the vote will take place?

An Hon. Senator: Now.

The Hon. the Speaker: Is it agreed, honourable senators, that a standing vote will be called now?

An Hon. Senator: Now.

The Hon. the Speaker: Based on the agreement and the house order, I will —

Senator Munson: I am sorry; I could not hear anything. Now I can hear. Thank you.

The Hon. the Speaker: Do I have a clear understanding from the house that this vote will be taken now?

Senator Di Nino: Your Honour, I confirm that from our side.

Senator Munson: Yes, sir.

Motion in amendment of Senator Banks negated on the following division:

YEAS THE HONOURABLE SENATORS

Banks	Mahovlich
Callbeck	Massicotte
Carstairs	McCoy
Chaput	Mercer
Cordy	Mitchell
Cowan	Munson
Dallaire	Murray
Dawson	Pépin
Day	Peterson
Downe	Poulin
Dyck	Poy
Eggleton	Ringuette
Fairbairn	Robichaud
Fox	Rompkey
Fraser	Smith
Furey	Tardif
Jaffer	Watt
Joyal	Zimmer—37
Lovelace Nicholas	

NAYS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	MacDonald
Ataullahjan	Manning
Boisvenu	Marshall
Braley	Martin
Brazeau	Meighen
Brown	Mockler
Carignan	Nancy Ruth
Champagne	Neufeld
Cochrane	Ogilvie
Comeau	Oliver
Demers	Patterson
Di Nino	Plett
Dickson	Poirier
Duffy	Raine
Eaton	Rivard
Finley	Runciman
Fortin-Duplessis	Segal
Frum	Seidman
Greene	Stewart Olsen
Housakos	Stratton
Johnson	Tkachuk

Kinsella
Kochhar
Lang

Wallace
Wallin—49

ABSTENTIONS THE HONOURABLE SENATORS

Nil

• (2200)

The Hon. the Speaker: Honourable senators, we are now back to third reading.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I wish to make a few comments at this stage in our proceedings, not so much on the substance of the bill but on the way in which we have handled it. I suggest there are some lessons which all of us, but particularly the government, can learn from the legislative process of this bill and its predecessor, Bill C-6.

We all agree that Canadians need a new consumer products safety law. Everyone agrees that the provisions set out in the Hazardous Products Act are outdated and fail to adequately protect Canadians. Legislation to modernize and update the regime has been in preparation for a number of years, beginning under a Liberal government.

This should not be a partisan issue, but rather a matter of parliamentarians of all political parties in both houses working constructively to produce the best legislative and regulatory regime. That is our Canadian parliamentary tradition at its best, and we in the Senate have our part to play.

The first bill that was introduced was Bill C-52, tabled in the other place on April 8, 2008. It had companion legislation, Bill C-51, which would have introduced amendments to the Food and Drugs Act. Those amendments were quite controversial. Indeed, a significant proportion of the strong opposition to the bill before us today seems to have arisen because of confusion amongst Canadians as to whether Bill C-36 contains provisions that were contained in Bill C-51, and specifically, whether it impacts on the sale of natural health products. It does not.

Both bills, Bill C-51 and Bill C-52, died when the Prime Minister prorogued Parliament in September 2008. Bill C-52, the original precursor of Bill C-36, had been referred to committee in that place. Bill C-51, the bill dealing with amendments to the Food and Drugs Act, was still being debated at second reading.

To date, the government has not sought to reintroduce the provisions of Bill C-51. Liberal senators tried to learn the status of that legislation at committee without success. When officials testified before the Standing Senate Committee on Social Affairs, Science and Technology on Bill C-36, those officials would only say it is the government's decision as to when it will introduce legislation — and, of course, it is.

I suspect many Canadians' fears would have been allayed if the government had been more forthcoming about its plans. No doubt, the government's known penchant for secrecy and history

of burying controversial clauses in bills have not helped the progress of this legislation. Certainly, it is clear from the emails and letters from numbers of Canadians that all of us received that Canadians are deeply concerned that this bill will impact on their access to natural health remedies. As I said earlier, it does not.

Meanwhile, as I have also said, Bill C-52, the consumer products safety bill, died with the 2008 election, and it was some months before the government reintroduced it. No bill was reintroduced in the first session following the election. Honourable senators will recall that that session was cut short when the Prime Minister again prorogued Parliament, this time to avoid a non-confidence motion.

On January 29, 2009, the government reintroduced the bill, this time numbered Bill C-6. There were several months of further delay before the government brought the legislation forward for debate. Nevertheless, eventually it made its way through the legislative process in the House of Commons and reached the Senate on June 16, 2009.

After second reading, the bill was sent to the Standing Senate Committee on Social Affairs, Science and Technology. The committee, as is its role, closely examined the provisions of the bill, listened to the views of experts and other interested Canadians who came to testify about the bill, and considered various amendments to address the expressed concern and to improve the bill.

In the end, the committee reported the bill with several amendments. However, that report containing the amendments was defeated in the Senate amidst allegations that the proposed amendments would gut the bill. Several other amendments proposed by my colleagues at third reading were adopted and the bill, as amended, was returned to the House of Commons on December 15, 2009, almost a year ago today.

Unfortunately, the House of Commons had recessed by that point; and then, as we know, the Prime Minister prorogued Parliament again on December 30, killing the bill again. To date, then, for those who are keeping count, this bill has been delayed by three prorogations by the Prime Minister.

Parliament returned to session on March 3, 2010. However, it was not until June 9 that the minister reintroduced the proposed consumer product safety act, this time relabelled as Bill C-36, the bill we are dealing with today.

Once again, the government delayed bringing the bill forward for debate, this time waiting until October. Lo and behold, despite the minister's previous protestations against the Senate's amendments, many of those changes had been incorporated into the bill, albeit without credit or attribution. Evidently, upon examination, the government realized that those amendments did not gut the bill after all.

A number of other amendments suggested by the Senate in its committee report, the ones that were defeated when the bill was reported here, for some reason — and these were primarily technical amendments — were not reflected in Bill C-36. Honourable senators, I find it strange and rather disconcerting

that the government had not caught and corrected these rather basic mistakes in their legislation, even after we had brought those mistakes to their attention.

Be that as it may, after we pointed out the mistakes again to government representatives, the government introduced the necessary amendments at committee stage in the other place. As a result, the bill which arrived here on November 2 was a significantly improved version of Bill C-6 — not perfect, but certainly better than before.

In the view of many observers, it was a significant advance over the provisions of the Hazardous Products Act that it was designed to replace. The minister herself acknowledged the positive and valuable role of the Senate in improving the bill. In her words, the bill was stronger, clearer and better as a result of the Senate's work.

As is our practice and responsibility, after second reading, the bill was sent again to the Standing Senate Committee on Social Affairs, Science and Technology for study. Honourable senators, my expectation — and I think the expectation of most of those who are following the legislative process — was that while there would be some witnesses who were opposed to some or perhaps all of the provisions of the bill and some who would prefer further amendments, there was sufficient overall support for the bill to permit it to move through the committee report stage, to third reading and on to Royal Assent with a minimum amount of controversy.

• (2210)

Unfortunately, I was wrong. I underestimated the appetite of this government to politicize everything, even the basic protection of Canadians with a new consumer protection product safety law.

The first sign of trouble appeared when the government majority on the steering committee moved to restrict the witness list; in particular, it refused to allow several critics of the bill to appear. This stubborn refusal fuelled the fires of opposition and we all have been deluged with a virtual tsunami of emails protesting, not only what the Senate is doing, but how we were doing it. All of us, and those who follow our work on CPAC, are aware of the scenes of uncharacteristic testiness and partisanship that marked the committee hearings on this bill.

In my view, honourable senators, most or all of this rancour could have been avoided if the government had demonstrated a little flexibility in its approach to the witness list and a little more patience in its approach to the bill itself. There were Canadians who wanted to be heard and many more Canadians who wanted those voices heard. That is the democratic way. Listening to Canadians and reflecting on their views and concerns is what has allowed us to improve this legislation before and is what we should have been allowed to do this time. That is our job. By slamming the door on those witnesses, we have failed Canadians and we have failed to do the job that under the Constitution we were called upon to do.

Honourable senators, the government repeatedly delayed this legislation, waiting for months to bring it forward in the other place and then killing it over and over with its three prorogations. Yet the Conservative members of the committee were unwilling to allow even one more committee hearing to hear from critics on this bill.

Senator Mercer: Shame on them.

Senator Cowan: Once again, this is a government that demands “my way or the highway,” that refuses to listen to criticism and that only wants to silence dissent.

Had the government adopted a more reasonable and enlightened attitude, we would find the tone of this debate quite different. Instead of criticism from colleagues and abuse from observers, we could have pointed to Bill C-36 as an example of Parliament working as it should; of the Senate doing what it does best, — careful study of legislation and giving Canadians an opportunity to be heard before providing its advice to the elected House of Commons; and of the government listening to reasoned and evidence-based suggestions for improvements to its legislation with the result of better legislation for Canadians.

Honourable senators, this was an opportunity lost. I regret that fact and I hope that all of us, and particularly the government majority, will learn a lesson.

On a final note, I want to repeat what I have said many times since I became Leader of the Opposition in this chamber. We on this side take our role as an opposition very seriously. We are committed to fulfilling our constitutional responsibility. We will support legislative measures that we believe are in the best interests of Canada. We will oppose and we will seek where possible to improve measures that in our view are contrary to that interest. However, let there be no doubt in anyone's mind: We will not be bullied by the government that now has the majority of members in this place.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Kochhar, that this bill be read a third time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

The Hon. the Speaker: Carried, on division.

Senator McCoy: Your Honour, three honourable senators rose when the question was called.

The Hon. the Speaker: I am afraid I did not see any honourable senator rise.

Senator McCoy: I think there might have been others who witnessed it, Your Honour.

The Hon. the Speaker: Honourable senators, I will put the question more formally.

Those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Do the whips have advice as to the length of the bell?

Senator Di Nino: Your Honour, from our side, we would call the vote now.

Senator Munson: Now would be an appropriate time. We are all here.

The Hon. the Speaker: Honourable senators, I will put the question now.

It was moved by Honourable Senator Martin, seconded by the Honourable Senator Kochhar, that Bill C-36 be read a third time.

Motion agreed to and bill read third time and passed on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	MacDonald
Ataullahjan	Manning
Boisvenu	Marshall
Braley	Martin
Brazeau	Meighen
Brown	Mockler
Carignan	Murray
Champagne	Nancy Ruth
Cochrane	Neufeld
Comeau	Ogilvie
Demers	Oliver
Di Nino	Patterson
Dickson	Plett
Duffy	Poirier
Eaton	Raine
Finley	Rivard
Fortin-Duplessis	Runciman
Frum	Segal
Greene	Seidman
Housakos	Stewart Olsen
Johnson	Stratton
Kinsella	Tkachuk
Kochhar	Wallace
Lang	Wallin—50

• (2220)

NAYS THE HONOURABLE SENATORS

Banks	Lovelace Nicholas
Callbeck	Mahovlich
Carstairs	Massicotte
Chaput	McCoy
Cordy	Mercer
Cowan	Mitchell
Dallaire	Munson
Dawson	Pépin
Day	Peterson
Downe	Poulin
Dyck	Poy
Eggleton	Ringuette
Fairbairn	Robichaud
Fox	Rompkey
Fraser	Smith
Furey	Tardif
Jaffer	Watt
Joyal	Zimmer—36

ABSTENTIONS THE HONOURABLE SENATORS

Nil

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Art Eggleton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science, and Technology be authorized to sit on Thursday, December 16, 2010, even though the Senate may then be adjourned for a period exceeding one week.

FEDERAL LAW— CIVIL LAW HARMONIZATION BILL, NO. 3

THIRD READING—DEBATE ADJOURNED

Hon. Claude Carignan moved third reading of Bill S-12, A third Act to harmonize federal law with the civil law of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law.

The Hon. the Speaker: Honourable senators, on debate.

Hon. Charlie Watt: Honourable senators, I rise to speak to Bill S-12. A bill earlier this year made me think about the 2007 report issued by the Standing Senate Committee on Legal and Constitutional Affairs on the subject of a non-derogation clause in federal legislation.

In previous years, we have used non-derogation clauses excessively, but this use has dwindled. In the context of this bill, non-derogation is an important tool for the Aboriginal people as an instrument to deal with the harmonization of indigenous legal tradition.

MOTION IN AMENDMENT

Hon. Charlie Watt: Therefore, honourable senators, I move:

THAT Bill S-12 be not now read the third time, but that it be amended, on page 1, by adding after line 5 the following:

“ABORIGINAL RIGHTS”

1.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.”

The Hon. the Speaker: Honourable senators, on debate on the amendment?

Hon. Tommy Banks: Honourable senators, I thank Senator Watt for the proposed amendment. The honourable senator has heard arguments before in this place, some of them by me, of the many versions of non-derogation clauses that appear from time to time in Canadian statutes. Senator Watt's proposed amendment will add to Bill S-12 the most sensible and clearest version of a non-derogation clause of the various wordings of non-derogation clauses that appear in Canadian statutes. For that reason, I happily support Senator Watt's proposed amendment.

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Joyal, seconded by the Honourable Senator Fairbairn, that further debate be continued at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(On motion of Senator Joyal, debate adjourned.)

OLD AGE SECURITY ACT

BILL TO AMEND—THIRD READING

Hon. Judith Seidman moved third reading of Bill C-31, An Act to amend the Old Age Security Act.

(On motion of Senator Seidman, bill read third time and passed.)

• (2230)

NATIONAL DAY OF SERVICE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Marshall, for the second reading of Bill S-209, An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001.

Hon. Joseph A. Day: Honourable senators, I would like to speak on this matter. I have spoken to Senator Peterson and he is agreeable that I take the adjournment so that I can prepare to speak on it. I would like to be able to speak this evening, but I have been somewhat preoccupied with other matters and have not had the opportunity to properly prepare myself to speak on it.

Given that, honourable senators, and with your indulgence, I request that the matter be adjourned for the balance of my time.

(On motion of Senator Day, debate adjourned.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*amendments to the Rules of the Senate—standing committees*), presented in the Senate on December 7, 2010.

Hon. David P. Smith moved the adoption of the report.

He said: Honourable senators, I rise to speak very briefly on the third report of the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. It is quite simple. It would delete the Standing Joint Committee on the Restaurant of Parliament and the Standing Joint Committee on Printing from our Rules.

By way of background, these committees have been inactive for a quarter of a century, and even then they had not made reports for some decades. The Senate has not appointed members to either joint committee since 1984. The House of Commons last appointed members to the Restaurant Committee in 1980. References to the Printing Committee were deleted from the Commons Standing Orders in 1986, and they never referred to the Restaurant Committee. As far as has been ascertained, the Printing Committee last reported in 1948 and the Restaurant Committee last reported in 1920.

It is time to clean things up. It is high time that we bring the *Rules of the Senate* into line with reality. While we are rightly cautious about amending our rules, we must recognize that they are the key instrument for governance of Senate in the field of procedure. Transparency and clarity are not served if the rules continue to refer to non-functioning bodies.

The Rules Committee is currently engaged in a review of the committee structure, but the small changes proposed in this third report can be made now independently of that larger effort.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

[Translation]

STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

SEVENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE TABLED—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the seventh report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *A Workplan for Canada in the New Global Economy: Responding to the Rise of Russia, India and China*, tabled in the Senate on June 28, 2010.

Hon. Suzanne Fortin-Duplessis: Honourable senators, I would have liked to speak to the seventh interim report of the Standing Senate Committee on Foreign Affairs and International Trade.

Since I have not finished preparing my speech, I would like to adjourn the debate until the Senate returns after the holidays.

(On motion of Senator Fortin-Duplessis, debate adjourned.)

[English]

CONFLICT OF INTEREST FOR SENATORS

COMMITTEE AUTHORIZED TO REFER PAPERS
AND DOCUMENTS FROM SECOND SESSION
OF FORTIETH PARLIAMENT
AND INTERSESSIONAL AUTHORITY

Hon. Terry Stratton, pursuant to notice of December 8, 2010,
moved:

That the papers and documents received and/or produced
by the Standing Committee on Conflict of Interest for
Senators during the Second Session of the Fortieth
Parliament, and Intersessional Authority be referred to the
Standing Committee on Conflict of Interest for Senators

(Motion agreed to.)

COMMITTEE AUTHORIZED TO MEET DURING
SITTINGS OF THE SENATE FOR DURATION
OF CURRENT SESSION

Hon. Terry Stratton, pursuant to notice of December 8, 2010,
moved:

That, for the duration of the current session, the Standing
Committee on Conflict of Interest for Senators be
authorized to sit even though the Senate may then
be sitting and that rule 95(4) be suspended in relation
thereto.

(Motion agreed to.)

(The Senate adjourned until tomorrow at 2 p.m.)

Appendix
(See p. 1602.)



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

PROTECTED WHEN COMPLETED - B
PAGE 1 OF 4

**APPLICATION FOR TEMPORARY RESIDENT VISA
MADE OUTSIDE OF CANADA**

1 UCI/Client ID	2 I want service in	3 Visa requested	OFFICE USE ONLY Validated
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PERSONAL DETAILS

1 Full name (as shown on your passport or travel document)		Given name(s)	
Family name			
2 Nick names/Alias		Given name(s)	
Family name			
3 Sex	4 Date of birth	5 Place of birth	
	YYYY MM DD	City/Town Country	
6 Citizenship			
7 Current country of residence:			
Country	Status	Other	From To
			YYYY-MM-DD YYYY-MM-DD
8 Previous countries of residence: During the past five years have you lived in any country other than your country of citizenship or your current country of residence (indicated above) for more than six months? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Country	Status	Other	From To
			YYYY-MM-DD YYYY-MM-DD
			YYYY-MM-DD YYYY-MM-DD
9 Country where applying: Same as current country of residence? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Country	Status	Other	From To
			YYYY-MM-DD YYYY-MM-DD
10 a) Your current marital status		b) (If you are married or in a common-law relationship) Provide the date on which you were married or entered into the common-law relationship	
		Date	
		YYYY-MM-DD	
c) Provide the name of your current Spouse/Common-law partner			
Family name		Given name(s)	

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(DISPONIBLE EN FRANÇAIS - IMM 5257 F)

IMM 5257 (11-2010) E

Canada

PAGE 2 OF 4

Application Name	Date of Birth
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PERSONAL DETAILS (CONTINUED)

11 Have you previously been married or in a common-law relationship? <input type="checkbox"/> No <input type="checkbox"/> Yes		
Provide the following details for your previous Spouse/Common-law Partner:		
Family name	Given name(s)	
Type of relationship	From YYYY-MM-DD	To YYYY-MM-DD

PASSPORT

1 Passport number	2 Country of issue	3 Issue date YYYY-MM-DD	4 Expiry date YYYY-MM-DD
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CONTACT INFORMATION

1 Current mailing address - All correspondence will go to this address unless you indicate your e-mail address below. - Indicating an e-mail address will authorize all correspondence, including file and personal information, to be sent to the e-mail address you specify. - If you wish to authorize the release of information from your application to a representative, indicate their address below and on the IMM5476 form.					
P.O. box	Apt/Unit	Street no.	Street name		
City/Town	Country	Province/State	Postal code	District	
2 Residential address Same as mailing address? <input type="checkbox"/> No <input type="checkbox"/> Yes					
Apt/Unit	Street no.	Street name		City/Town	
Country	Province/State	Postal code	District		
3 Telephone no. <input type="checkbox"/> Canada/US <input type="checkbox"/> Other			4 Alternate Telephone no. <input type="checkbox"/> Canada/US <input type="checkbox"/> Other		
Type	Country Code	No.	Ext.	Type	Country Code No. Ext.
5 Fax no. <input type="checkbox"/> Canada/US <input type="checkbox"/> Other			6 E-mail address		
Country Code	No.	Ext.			

DETAILS OF VISIT TO CANADA

1 a) Purpose of my visit		b) Other	
2 Indicate how long you plan to stay	From YYYY-MM-DD	To YYYY-MM-DD	3 Funds available for my stay (SCAD)
4 Name, address and relationship of any person(s) or institution(s) I will visit:			
Name			
1	Relationship to me	Address in Canada	
Name			
2	Relationship to me	Address in Canada	

PAGE 3 OF 4

Application Name	Date of Birth
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EDUCATIONHave you had any post secondary education (including university, college and apprenticeship training)? ☐ No ☐ Yes

If you answered yes, give full details of all post secondary education you have had.

1	From	Field of study	School/Facility name	
	To	City/Town	Country	Province/State
	YYYY MM	YYYY MM		
2	From	Field of study	School/Facility name	
	To	City/Town	Country	Province/State
	YYYY MM	YYYY MM		
3	From	Field of study	School/Facility name	
	To	City/Town	Country	Province/State
	YYYY MM	YYYY MM		

CURRENT OCCUPATION

Give full details of your present job. If retired, not working or student, please indicate.

1	From	Activity/Occupation	Company/Employer/Facility name	
	To	City/Town	Country	Province/State
	YYYY MM	YYYY MM		

BACKGROUND INFORMATION

You must complete this section if you are 18 years of age or older.

1	a) Within the past two years, have you or a family member ever had tuberculosis of the lungs or been in close contact with a person with tuberculosis?		<input type="checkbox"/> No	<input type="checkbox"/> Yes
	b) Do you have any physical or mental disorder that would require social and/or health services, other than medication, during a stay in Canada?		<input type="checkbox"/> No	<input type="checkbox"/> Yes
	c) If you answered "yes" to question 1a) or 1b), please provide details and the name of the family member (if applicable).			
2	a) Have you ever previously applied for any Canadian visas (e.g. Permanent Resident, Student, Worker, Temporary Resident (Visitor), Temporary Resident Permit)?		<input type="checkbox"/> No	<input type="checkbox"/> Yes
	b) Have you ever been refused any kind of visa to travel to Canada?		<input type="checkbox"/> No	<input type="checkbox"/> Yes
	c) Have you ever been refused admission or been ordered to leave Canada or any other country?		<input type="checkbox"/> No	<input type="checkbox"/> Yes
	d) If you answered "yes" to question 2a), 2b), or 2c) please provide details.			

PAGE 4 OF 4

Application Name	Date of Birth
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BACKGROUND INFORMATION (CONTINUED)

3	Have you ever committed, been arrested for or been charged with any criminal offence in any country?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
4	a) Have you ever been in a military, militia or civil defense unit or the police?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
b) If you answered "no" to question 4a) and military service is mandatory in your country and you did not serve, please explain why you did not serve. Then proceed to question 5)			
5	Have you ever been employed by a government in a security-related capacity?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
6	Have you ever held a position of authority in any government, or judiciary or a political party?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
7	Have you ever in periods of either peace or war, been involved in the commission of a war crime or crime against humanity, such as: willful killing, torture, attacks upon, enslavement, starvation or other inhumane acts committed against civilians or prisoners of war, or deportation of civilians?	<input type="checkbox"/> No	<input type="checkbox"/> Yes

If you answered "yes" to any of questions 3 to 7 above, or upon request of a visa officer, you MAY BE REQUIRED to fill out IMM 5257 Schedule 1.

I consent to the release to Citizenship and Immigration Canada (CIC) and Canada Border Services Agency (CBSA) of all records and information for the purpose of processing my request that any government authority, including police, judicial and state authorities in all countries in which I have lived may possess about me. This information will be used to evaluate my suitability for admission to Canada or to remain in Canada pursuant to Canadian legislation.

I declare that I have answered all questions in this application fully and truthfully.

Signature of Applicant or Parent/Legal Guardian's for a person under 18 years of age.

Date: YYYY-MM-DD

IMPORTANT NOTE:
 This application must be signed and dated before it is submitted.
 Do not forget to include: your passport, photos, the fees, your signature.

The information you provided in this application is collected under the authority of the Immigration and Refugee Protection Act and will be used to maintain a record of applications and sponsorship undertakings for the purpose of the administration of the Act. It will be retained in the Personal Information Banks CIC PPU 053 or CIC PPU 054 or CIC PPU 055 depending on the type of application made. The information may be shared with other organizations such as the Canada Border Services Agency (CBSA), the Royal Canadian Mounted Police (RCMP), the Canadian Security Intelligence Service (CSIS) and foreign governments in accordance with subsection 8(2) of the Privacy Act. In accordance with the Privacy Act and the Access to Information Act individuals have the right to protection of and access to their personal information. Details on these matters are available at the InfoSource website (<http://www.infoSource.gc.ca/>) and through the Citizenship and Immigration Canada Call Centre. InfoSource is also available at Public Libraries across Canada.



Citizenship and Immigration Canada Citoyenneté et Immigration Canada

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PROTECTED WHEN COMPLETED

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SCHEDULE 1

APPLICATION FOR A TEMPORARY RESIDENT VISA MADE OUTSIDE OF CANADA

ANNEXE 1

DEMANDE DE VISA DE RÉSIDENT TEMPORAIRE PRÉSENTÉE À L'EXTÉRIEUR DU CANADA

1. Please provide details of your employment (including self-employment) for the last ten years. If you did not work or were retired, please provide the personal details for that period if you are dependent on someone else's income (i.e. your parents or spouse) please provide employment details of this person. Start with the most recent information.
Veuillez fournir les détails de votre emploi (y compris l'emploi en tant que travailleur autonome) pendant les dix dernières années. Si vous ne travaillez pas ou êtes retraité, veuillez indiquer votre adresse personnelle pour cette période. Si vous dépendez du revenu de quelqu'un (c.-à-d. vos parents ou conjoint) fournissez les détails d'emploi de cette personne. Commencez par l'information la plus récente.

[illegible]

2. A) Did you serve in any military, militia, or civil defence unit or serve in an intelligence organization or police force (including obligatory national service, reserve or volunteer units)?
 Avez-vous fait partie d'une milice, d'une armée, d'une unité de défense ou d'un corps de police (que ce soit à titre de conscrit parce que le service militaire est obligatoire dans votre pays, de réserviste ou de membre d'une unité volontaire)?

- ☐ No **►** Go to question 3.
Non **►** Allez à la question 3.
- ☐ Yes **►** Give the following de
Oui **►** Enter period of service

- ☐ Yes ☐ No ☐ Don't know
- Give the following details: if you served in any militia, army, defence or police unit (either as part of obligatory national service, the reserves or a volunteer unit), enter period of service (month and year), branch of service and unit number in which you served along with name of place where you were stationed, your rank, and a detailed description of your duties (e.g., infantry, artillery, military police, radio operator, driver, etc.).
- Veuillez donner les détails suivants : si vous avez déjà fait partie d'une milice, d'une armée, d'une unité de défense civile ou d'un corps policier (y compris le service national obligatoire et les unités de réserve ou volontaires), indiquez la période de service (mois et année), le bureau de service et le numéro de l'unité au sein de laquelle vous avez servi, ainsi que le nom de l'endroit où vous étiez en poste et le rang occupé. Veuillez également fournir une description détaillée de vos tâches (p. ex. infanterie, artillerie, police militaire, opérateur radio, chauffeur, etc.).

[illegible]

- B) Did you receive special training?**
Avez-vous reçu une formation spéciale?

- ☐ No ☐ Yes ☐ Non ☐ Oui ► Provide details.
Veuillez fournir plus de détails.

Nom	Cat.	Volumes restitués et cotisés

PAGE 2 OF DE 3

2. C) Did you ever participate in any form of combat?

Avez-vous déjà participé à des combats, sous quelque forme que ce soit?

- ☐ No ☐ Yes ☐ Non ☐ Oui ▶ Give details, including dates and locations.
 Veuillez fournir plus de détails, y compris les dates et les lieux.

From - De Y - A M	To - À Y - A M	Location - Lieu	Details - Détails

D) Why did your service end?

Pourquoi votre service s'est-il pris fin?

- ☐ Completed service ☐ Deserted
 Service terminé Désertion
☐ Medical problems ☐ Other (please specify) ▶
 Problèmes médicaux Autre (veuillez spécifier)

3. Have you ever witnessed or participated in ill treatment of prisoners or civilians, looting or desecration of religious buildings?

Avez-vous déjà assisté ou participé à de mauvais traitements infligés à des prisonniers ou à des civils, à des actes de pillage ou à la profanation d'édifices religieux?

- ☐ No ☐ Yes ☐ Non ☐ Oui ▶ Provide details of the circumstances below.
 Veuillez fournir des détails sur les circonstances ci-dessous.

Date Y - A M	Location - Lieu	Details - Détails

4. Were you ever a member of a political party or other group or organization?

Avez-vous déjà été membre d'un parti politique ou d'un autre groupe ou organisation?

- ☐ No ☐ Yes ☐ Non ☐ Oui ▶ Give details of organizations you have supported, been a member of or been associated with. Include any political, social, youth or student organization, trade unions, professional associations. Do not use abbreviations.
 Veuillez fournir des détails sur les organisations que vous avez appuyées, dont vous avez été membre ou avec lesquelles vous avez entretenu des liens. N'oubliez pas les organisations politiques ou sociales, les regroupements de jeunes ou d'étudiants, les syndicats et les associations professionnelles. N'utilisez aucune abréviation.

From - De Y - A M	To - À Y - A M	Name of organization Nom de l'organisation	Type of organization Genre d'organisation	Activities and/or positions held within organization Activités et/ou poste(s) au sein de l'organisation	City and country Ville et pays

5. Have you ever held a government position?

Avez-vous déjà occupé un poste au sein d'un gouvernement?

- ☐ No ☐ Yes ☐ Non ☐ Oui ▶ If you have held a position in any government, judiciary or state enterprise (e.g., mayor, member of parliament, councillor, judge, managing director, etc.) or have ever been employed by a government, the judiciary or political party in a position of responsibility or supervision (e.g., hospital administrator, police officer, elections official, civil servant, etc.), provide details below (do not use abbreviations).
 Si vous avez occupé un poste au sein d'un gouvernement, de l'appareil judiciaire ou d'une entreprise d'État (p. ex., maire, député, conseiller, juge, directeur général, etc.) ou si vous avez déjà été à l'emploi d'un gouvernement, de l'appareil judiciaire ou d'un parti politique et que vous occupiez un poste où vous deviez vous acquitter de certaines responsabilités ou de fonctions de supervision (p. ex., directeur général d'un hôpital, agent de police, fonctionnaire électoral, etc.), veuillez fournir des détails ci-dessous (n'utilisez pas d'abréviations).

From - De Y - A M	To - À Y - A M	Country and level of jurisdiction (e.g. national, regional, municipal) Pays et niveau d'administration (p. ex., national, régional, municipal)	Department/Branch and city Ministère/direction générale et ville	Activities and/or positions held Activités et/ou poste(s) occupé(s)

- If you answered "yes" provide details and the name of the family member (if applicable).
Si vous avez répondu « oui », veuillez fournir des détails et le nom de membre de la famille (s'il y a lieu).

Declaration

Signature _____

Je (votre nom au long), _____, déclare que tous les énoncés ci dessus sont véridiques, exhaustifs et justes, et je fais cette déclaration en toute connaissance de cause, sachant qu'elle a la même valeur que si elle était faite devant un tribunal.

Date _____

Y-A	M	D-J
-----	---	-----

- Signature of applicant or parent/legal guardian's for a person under 18 years of age.
Signature du demandeur ou du parent/tuteur légal pour une personne âgée de moins de 18 ans.

Les renseignements fournis dans ce formulaire sont recueillis en vertu de la *Loi sur l'immigration et la protection des réfugiés* et seront utilisés afin d'évaluer votre demande conformément aux critères prévus dans la Loi. Ils seront conservés dans une banque de renseignements personnels tel qu'il est autorisé par la Loi. Les renseignements recueillis sont destinés à être utilisés au principe d'usage compatible de l'information en vertu de la *Loi sur la protection des renseignements personnels*. Par ailleurs, en vertu de la *Loi sur la protection des renseignements personnels*, vous pouvez demander l'accès à vos renseignements personnels et demander que leurs renseignements personnels soient protégés et d'y avoir accès. Il est possible d'obtenir plus d'information à ce sujet en visitant le site information.gc.ca ou en communiquant avec le télécentre de la citoyenneté et de l'immigration. On peut aussi accéder à l'information à partir des bibliothèques.

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CANADA

Debates of the Senate

3rd SESSION

• 40th PARLIAMENT

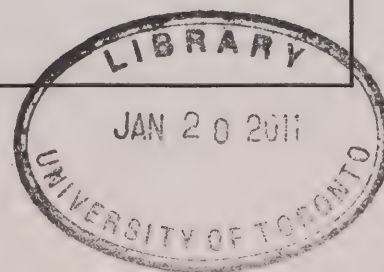
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OFFICIAL REPORT
(HANSARD)

Tuesday, December 14, 2010

—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, December 14, 2010

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

PRINCE EDWARD ISLAND ADVISORY COUNCIL ON THE STATUS OF WOMEN

PURPLE RIBBON CAMPAIGN

Hon. Catherine S. Callbeck: Honourable senators, last week, I was honoured to take part in a memorial service in my home province of Prince Edward Island to recognize the anniversary of the Montreal Massacre. Twenty-one years ago, 14 young women were murdered. They were, in fact, singled out at their engineering school in Montreal because they were women.

I am sure that none of us will ever forget where we were and what we were doing on December 6, 1989. It was a senseless tragedy that left the whole nation in deep mourning.

During this memorial service in Charlottetown, candles were lit, each candle representing a woman who had been killed in violence. There were 14 candles for the young women in Montreal, and 8 more for the Island women who have been killed since 1989. Dr. Michael Kaufman was the guest speaker. He is the co-founder of the White Ribbon Campaign, the largest effort of men working to end violence against women in the world.

This memorial service was part of the Purple Ribbon Campaign in my province. The Prince Edward Island Advisory Council on the Status of Women organized it. This campaign, aimed at commemorating all women who have died violently or live with abuse, asks Islanders to wear purple ribbons between November 25, the United Nation's International Day for the Elimination of Violence Against Women, and December 6, Canada's National Day of Remembrance and Action on Violence Against Women.

Honourable senators, each year, volunteers from across the Island pin purple ribbons to over 20,000 information cards, in English and French, for distribution to schools, churches, government employees and the general public. The Women's Institute, which plays a very active role in the Purple Ribbon Campaign, pinned more than 7,000 cards.

The theme for this year's campaign was "Face the Facts." It asked Islanders to think about what groups are more at risk of violence and why. Some people are simply more vulnerable than others: women, children, youth, older persons, persons with disabilities, Aboriginal women and children are all more at risk of violence.

Honourable senators, I would like to commend the PEI Advisory Council on the Status of Women on organizing this Purple Ribbon Campaign and the awareness it has

created. I would especially like to commend Sandy Kowalik, who for years has been coordinating the campaign with great skill and tremendous dedication.

Honourable senators, we can all do our part. We must do what we can to assist women who live with violence every day, and spread the message that violence everywhere must stop.

[Translation]

LISE WATIER PAVILION

Hon. Suzanne Fortin-Duplessis: Honourable senators, yesterday, the Government of Canada, the Government of Quebec and the City of Montreal opened the Lise Watier Pavilion, a facility that, once complete, will offer 29 additional housing spaces for women who are going through a difficult time. I am very proud to have had the privilege of participating in this important event in Montreal and to have been there to see this project through.

This is excellent news for these women who are experiencing difficulties and who need a helping hand. By improving access to affordable housing for at-risk women, the Lise Watier Pavilion is contributing to the social well-being of the entire community.

Our government is committed to helping out those in need. That is why we are proud to have invested in this initiative in Montreal. This new housing represents more than just an affordable roof over their heads; it will become a real home, a key to a better life for women in trouble.

Every year, our government helps over 620,000 households in Canada. In 2008, we committed more than \$1.9 billion over five years for housing programs and the fight against homelessness. This investment adds two more years to the Affordable Housing Initiative and to the renovation programs for low-income households.

• (1410)

The Canada-Quebec Shelter Enhancement Program provides financial assistance to repair and rehabilitate emergency shelters and second stage housing for victims of family violence.

The Lise Watier Pavilion will receive more than \$1.1 million in federal funding under the Canada Mortgage and Housing Corporation's Shelter Enhancement Program. Making this wonderful initiative a reality required a total investment of nearly \$3.6 million. This investment gives hope to area women who need shelter.

Creating a shelter such as this one also required the involvement and leadership of organizations like the Old Brewery Mission, which carries out projects to set up shelters complete with support services. Our government is proud to work with the Old Brewery Mission to help vulnerable women get safe, appropriate housing and build a better future for themselves.

I am very proud of our government's involvement in such an inspiring project. It shows our commitment to the well-being of the people of Quebec and Canada, especially those who are in difficulty.

LITERACY DEVELOPMENT

Hon. Rose-Marie Losier-Cool: Honourable senators, last week, the OECD, the Organization for Economic Co-operation and Development, released the results of its latest triennial report on education in 65 countries around the world.

As a former teacher, I always read this report with a great deal of interest, particularly when it pertains to my home province of New Brunswick. I learned this year that Canada now ranks fifth in the world in reading, seventh in science and eighth in mathematics.

I was interested but not surprised to learn that girls still outperform boys in reading skills across the country and around the world. I was also not surprised to learn that francophone students in minority situations have more difficulties than anglophone students.

[English]

While Canada's current scores may seem enviable, honourable senators, I am concerned that our country has slipped in its ranking since the year 2000. I urge our government to pay attention to this trend and to address it. After all, today's children are tomorrow's leaders, and we want the best for them now and for us later.

[Translation]

New Brunswick has made some progress in reading skills since 2000, seeing that we are now ranked eighth in the country. We advanced from ninth to seventh place in math, and from tenth to ninth place in science. Thus, some progress has been made, but I would like to see more. I truly hope that the budget cuts imposed by the New Brunswick government, including cuts to education, will not affect the progress made thus far.

[English]

Honourable senators, a good reading ability is the key to all scholastic success. No matter the subject, if someone cannot read properly, they will not learn the subject well. I urge all parents and schools from New Brunswick, and those in the rest of Canada, to help our children acquire superior reading skills, which will give them access to stores of other knowledge. Moreover, reading well usually translates into writing well, something we all want our kids to do, if only to save us from cringing when we read their Christmas cards.

[Translation]

During this holiday season, why not give the gift of reading? As gifts this year, we should all give our children or grandchildren a book, a magazine or newspaper subscription, a dictionary or even private reading lessons.

To all honourable senators, my wish for you is the pleasure of reading each and every day.

[English]

CANADIAN NAVY

ONE HUNDREDTH ANNIVERSARY

Hon. Hugh Segal: Honourable senators, as we near the end of this centennial year for Canada's navy, I want to express the appreciation we all have for the remarkably ambitious events, plans, commemorations and historic moments that were successfully achieved during this once-in-a-lifetime Canadian Naval Centennial.

We all know the events of national character, like fleet reviews on both coasts, the presence of Her Majesty at the Atlantic Fleet review, the unveiling of the special dollar naval coin by the Queen while she was in Halifax, and the Naval Bell ceremony in this very chamber were all deeply moving and of singular and historic import. However, honourable senators and Canadians should know that naval reserve ships across Canada conducted a myriad of events in their regions involving special monuments and bell ceremonies in communities where ships bearing their communities' names had served as part of His or Her Majesty's Canadian fleets in times of peace and war and, in some cases, where ship and crew had made the ultimate sacrifice.

[Translation]

Throughout the centennial celebrations, the Canadian Navy remained fully committed to serving Canada's strategic, humanitarian and diplomatic interests, as always. During this historic year, the Canadian Navy took part in a number of exercises or core deployments to Haiti, was there to help Newfoundlanders after Hurricane Igor, and HMCS *Fredericton* intercepted a suspected pirate attack while patrolling the Gulf of Aden as part of NATO's Operation Ocean Shield. It also carried out Operation Nanook for the fifth time in Canada's far north. Canadian Navy personnel were directly involved in security for the Vancouver Olympic Games and the G8 and G20 summits, and they were deployed to Kandahar alongside the other branches of the Canadian Forces.

[English]

The HMCS *Cataraqui* reserve ship in the Kingston-Frontenac-Leeds area had 31 members of the ship's company under the command of Lieutenant-Commander Susan Long-Poucher who were deployed in training and operations on board ship, serving at the Olympics, the G8 and G20 conferences; and participating in international exercises for security at the Panama Canal and at a North Atlantic Treaty Organization anti-piracy engagement. They also provided supply and support in the Afghanistan theatre.

Among the centennial events that took place in the Kingston area were the touching "namesake presentation" ceremonies in 13 communities around Kingston to recognize the ships named for these communities; Fort Henry hosted a naval tattoo; a monument was unveiled in Navy Memorial Park; and the naval reserve began its first annual 5K run in Kingston in which this senator did not participate.

Other naval ships did the same thing nationwide. There was a well-founded tradition in the Royal Canadian Navy during wartime of using biblical quotations as shorthand for sending coded messages. For example, when one ship took leave of the fleet, it would flash to another ship Acts 21:6: "And when we had taken our leave of one another, we took ship; and they returned home again."

As we bid farewell to the centennial year, we express our appreciation to all those who worked so hard as naval officers and sailors, volunteers, reserve, family members and locally supportive communities to make it a year of celebration, commemoration and dedication that will inspire and serve for centuries to come. I wish only for these dedicated men and women to return home again proudly to the communities, families and neighbours who have never taken the Canadian navy for granted.

MILITARY AND VETERAN HEALTH RESEARCH

Hon. Roméo Antonius Dallaire: Honourable senators, the unique physical, mental and social context of military service intimately defines how military personnel, veterans and their families deal with health throughout their lives. Currently, the number of Canadian Forces casualties and the breadth of their health problems arising from military operations are greater than those at any time since the Korean War.

Pre-1997, the Canadian Forces and Veterans Affairs Canada had no capability for handling operational stress injuries. The impact on the Gulf War veterans is a prime example of how we were not able to sustain those casualties or to try to attenuate the impact of their injuries and ultimately treat them in a manner I would consider to be fair.

Since then, the Department of National Defence and Veterans Affairs Canada have been building and putting together a series of clinics across the country to meet the pressing demand of operational stress injuries.

• (1420)

For the first time, a national network of researchers from universities across all provinces of Canada has been launched to advance military and veteran health research aimed at addressing the unique health and OSI needs of military personnel, veterans and their families.

A jointly led initiative of Queen's University and the Royal Military College of Canada, the Canadian Institute for Military and Veteran Health Research will include all interested Canadian universities in facilitating new partnerships, collaborations, funding and access to data and studies of the population. The announcement follows the highly successful Canadian Military and Veteran Health Research Forum hosted recently by Queen's University and RMC, and attended by more than 250 delegates and special guests.

Representatives from 20 Canadian universities, Canadian Forces Health Services, Veterans Affairs Canada, Defence Research and Development Canada and other military and veterans organizations met recently and reached consensus on the need to work together to establish a coordinated, sustainable,

pan-Canadian academic military and veteran health research program. The universities and government representatives are committed to working collaboratively to build a national research institute.

Honourable senators, this institute means that we will not stumble into the next generation of casualties blindly as we stumbled into the post-Cold War 1990s era of conflict and conflict resolutions with the vast numbers of casualties in the thousands that have not been treated. This institute has the potential to benefit numerous Canadians including first responders like police, humanitarian workers, people employed with non-governmental organizations and journalists. The network will facilitate collaboration with both industry and the international partners to provide solutions to operational stress injuries.

NEW7WONDERS OF NATURE CAMPAIGN

BAY OF FUNDY

Hon. Donald H. Oliver: Honourable senators, the Bay of Fundy needs your vote. It is one of 28 finalists vying for one of seven spots in the New7Wonders of Nature campaign. This worldwide campaign is organized by the New7Wonders Foundation, whose founder is Swiss-born Canadian filmmaker, author and adventurer, Bernard Weber. The online campaign began in 2007 with some 440 candidates from more than 200 countries. The Bay of Fundy was selected as one of the top 77 and is now in the third and final round of 28 finalists.

The official declaration and announcement of the New7Wonders of Nature is scheduled for November 11, 2011. It is estimated that more than 1 billion online votes will be compiled during the thrilling global election. The Bay of Fundy is indeed a natural treasure that deserves to be in the final stages of this worldwide vote. It has one of the world's most dynamic coastlines stretching for more than 270 kilometres between the provinces of Nova Scotia and New Brunswick. It is home to the highest tides in the world at 53 feet. It takes 6 hours and 13 minutes for the tides to go from high to low, and the tides are five to ten times higher than any other tide in the world.

Each day, 100 billion tonnes of seawater flow in and out of the bay during one tide cycle. The bay is also a critical international feeding ground for migratory birds and a vibrant habitat for rare and endangered right whales and one of the world's most significant plant and animal fossil discovery regions. It is comparable in marine bio-diversity to the Amazon rainforest.

The Bay of Fundy is home to the world's most complete fossil record of the Coal Age, the world's oldest reptiles, and Canada's oldest dinosaurs. The Bay of Fundy is also one of the world's best sites for green tidal energy. It generates environmentally sustainable electricity.

The New7Wonders Foundation and Campaign seek to protect our planet's heritage, both manmade and natural. It has the express aim of undertaking documentation and conservation of monuments worldwide under the motto, "Our heritage is our future." The foundation fosters respect for our planet's diversity and sensitizes the citizens of the world to the natural beauty that surrounds us, such as the Bay of Fundy.

Honourable senators, Canada has a unique opportunity to have one of its natural treasures recognized as one of the seven wonders of the natural world. The Bay of Fundy is not only an ecological and biodiversified natural wonder, but also a breathtaking, quaint and picturesque location. I invite all honourable senators and Canadians from coast to coast to go online at www.new7wonders.com and cast their vote for the Bay of Fundy.

Senator Mercer: Vote early and vote often.

ROUTINE PROCEEDINGS

SCRUTINY OF REGULATIONS

SECOND REPORT OF JOINT COMMITTEE TABLED

Hon. Yonah Martin: Honourable senators, I have the honour to table, in both official languages, the second report of the Standing Joint Committee for the Scrutiny of Regulations, entitled: *Report No. 86 — Indian Estates Regulations*.

(On motion of Senator Martin, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

STUDY ON PROGRESS MADE ON GOVERNMENT'S COMMITMENTS SINCE THE APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

SEVENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE TABLED

Hon. Lillian Eva Dyck: Honourable senators, I have the honour to table, in both official languages, the seventh report of the Standing Senate Committee on Aboriginal Peoples, entitled: *The Journey Ahead: Report on progress since the Government of Canada's apology to former students of Indian Residential Schools*.

[Translation]

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY— FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, December 14, 2010

The Standing Senate Committee on Transport and Communications has the honour to present its

FIFTH REPORT

Your committee, which was authorized by the Senate on May 12, 2010 to examine and report on emerging issues related to the Canadian airline industry, respectfully

requests funds for the fiscal year ending March 31, 2011 and requests, for the purpose of such study, that it be empowered to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

DENNIS DAWSON
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 1142.)

The Hon. the Speaker: Honourable senators, when will this report be taken into consideration?

(On motion of Senator Dawson, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[English]

FIGHTING INTERNET AND WIRELESS SPAM BILL

SIXTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, December 14, 2010

The Standing Senate Committee on Transport and Communications has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill C-28, An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act, has, in obedience to the order of reference of Thursday, December 9, 2010, examined the said bill and now reports the same without amendment.

Respectfully submitted,

DENNIS DAWSON
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Donald H. Oliver: Honourable senators, with leave, later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Not now.

The Hon. the Speaker: Honourable senators, I would like to hear from the Deputy Leader of the Opposition.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, is leave requested for third reading of Bill C-28 later this day?

The Hon. the Speaker: Yes. Is it agreed, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Oliver, with leave of the Senate and notwithstanding rule 58(1)(g), bill placed on the Orders of the Day for consideration later this day.)

[Translation]

STUDY ON COSTS AND BENEFITS OF ONE-CENT COIN

EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on National Finance, entitled: *The Costs and Benefits of Canada's One-Cent Coin to Canadian Taxpayers and the Overall Economy*.

(On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1430)

SUSTAINING CANADA'S ECONOMIC RECOVERY BILL

NINTH REPORT OF THE STANDING SENATE COMMITTEE ON NATIONAL FINANCE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, December 14, 2010

The Standing Senate Committee on National Finance has the honour to present its

NINTH REPORT

Your committee, to which was referred Bill C-47, A second Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other

measures, has, in obedience to its order of reference of December 9, 2010, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[English]

STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

EIGHTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Seizing Opportunities for Canadians: India's Growth and Canada's Future Prosperity*.

(On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

QUESTION PERIOD

PUBLIC SAFETY

CORRECTIONAL SERVICE OF CANADA

Hon. Catherine S. Callbeck: Honourable senators, my question is directed to the Leader of the Government in the Senate. This government's recent changes to the Criminal Code are expected to cost my province a considerable sum of money. In fact, the Parliamentary Budget Officer estimated that the Truth in Sentencing Act alone would cost more than \$100 million over five years to build and run the additional space required.

Prince Edward Island is in a unique position when it comes to corrections facilities. The Island does not have a federal facility, so the provincial system provides the services that the federal system does not provide. These services include using our provincial facility as a halfway house and providing housing for federal transfers, pre-parole inmates or parole violators.

The impact of this legislation will hit the province twice: because there will be more inmates in the provincial system, and there will be more federal inmates who stay in provincial facilities.

When will the government announce funding to help my province cover the costs associated with this new federal legislation?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for her question. As I said before, the government is committed to keeping Canadian families safe in their homes and in their communities. We believe that measures must be taken to put dangerous criminals behind bars and out of our communities. There is, of course, a cost attached to this commitment. We believe that Canadians are quite willing to pay this cost. The provinces have been part of the discussions all along. The provinces and the attorneys general have been most supportive of the federal government's initiatives in this regard.

Prince Edward Island is unique in terms of accommodation of prisoners and I will take that question as notice and get an answer for the honourable senator from the department.

Senator Callbeck: Honourable senators, I thank the minister for that response. I would appreciate getting an answer to this question because the impact on provincial finances will be huge. It will be tremendous.

Gerard Mitchell, former Chief Justice of the Supreme Court of Prince Edward Island and the province's new police commissioner, recently noted that these changes to the Criminal Code will add a major stress to Prince Edward Island's already tight financial situation.

Honourable senators, I also have concerns about the time needed to prepare for these legislative changes. For example, the provincial facility in Prince Edward Island often operates at capacity. It will probably take three years to increase that capacity. However, this new legislation comes into force immediately. For example, the Truth in Sentencing Act came into force in February. There has really been no time for the provinces to make sure they have the physical infrastructure and the human resources in place.

What will the federal government do to ensure that provincial correctional facilities across the country are ready to deal with the influx of inmates?

Senator LeBreton: Honourable senators, I believe that the situation in Prince Edward Island is unique, but I think it is important to point out that the senator focuses on the costs of putting dangerous offenders behind bars and the cost to accommodate them. I have never once heard Senator Callbeck mention the cost to society, the cost to the victims and the cost to all levels of government for the seriousness of these crimes.

I know that Prince Edward Island is a unique situation and, as I indicated in my first answer, I will take the question as notice and provide a written response.

Hon. Sharon Carstairs: Honourable senators, the government leader in the Senate refers to the cost to society of these dangerous offenders within the community, but those dangerous offenders presumably will return to the community. If we know anything

about incarceration in this country, we know that the vast majority of inmates frequently come out of correctional institutions and back into the community much worse than they were before they were incarcerated.

I presume that as the government is building prisons, it has considered the enormous sums of money that will be needed to provide programs in those institutions to ensure that those dangerous criminals become less dangerous criminals.

Can the honourable senator tell this chamber the amount of money that the federal government has committed to programming within the prison institutions?

Senator LeBreton: Honourable senators, as Senator Carstairs is aware, through the Correctional Service of Canada and the Department of Justice Canada, there have been significant sums of money committed to rehabilitation and retraining in our prison systems. I hope Senator Carstairs is not suggesting that not putting these people behind bars would somehow or other lessen the cost.

• (1440)

Many crimes are committed by people who never get into the prison system. They are charged; they are let out on bail; they receive a light sentence; they are back out; and then they repeat the crimes over and over again.

Honourable senators will know, and I have put it on the record here many times, the significant amount of money that the government is expending for retraining, rehabilitation and assistance to our prison population. I do not have the exact figure, but I will be happy to provide it to Senator Carstairs.

Senator Carstairs: On a further supplementary question, the Correctional Service of Canada has indicated in a recent report that there will be a 250 per cent increase in the number of women in prisons as a result of Bill S-10 alone. The concern I have is that many of these women have children and those children will be turned over to social services.

What kind of cost estimates has the federal government done as to the social service costs that will be incurred as a result of the incarceration of these women?

Senator LeBreton: Honourable senators, again, people can estimate all they want. We will see when the laws come into effect what the actual numbers are. Obviously, with women who have committed crimes, society would expect that those women be properly dealt with by the criminal justice system. By the same token, concerning women with children, the safety and security of the child is paramount for the government. Again, I will take Senator Carstairs' question as notice and provide her with more information.

Senator Carstairs: Honourable senators, my question is primarily focused less on women than on children. These children, many of whom are Aboriginal, have, according to the Wen:de report, consistently received less money in funding for their support than non-Aboriginal children.

Since these children, if they live on reserve, are within the direct responsibility of the federal government, what resources have been given to the Department of Indian Affairs to take care of these additional social costs of raising these children?

Senator LeBreton: Again, honourable senators, I will attempt to provide complete information, but the safety and security of children always needs to be first and foremost. Obviously, no child should ever be inadvertently put at risk when their mother is incarcerated. We will continue to ensure that the mother-child relationships are fostered at all times, without endangering the safety of the child. With regard to the specific question about the funds available, I will take that as notice.

Hon. Bill Rompkey: Honourable senators, I bring to the attention of the minister the fact that there is not now and has not been a federal penitentiary in the province of Newfoundland and Labrador, although several attempts were made over the years to get one. This has not only put a strain on the province, which I think has approached the federal government recently with a request on that subject, but it also means that those prisoners who are convicted of federal crimes have had to serve their sentences in Dorchester, including Aboriginal people, who make up an unduly large portion of the prison population.

It means, for example, that an Inuit in Nain, Labrador has to serve his sentence in Dorchester with no cultural support, no chance for family to visit, and no form of rehabilitation.

Can the minister look into that situation and see what the federal government plans for the province of Newfoundland and Labrador?

Senator LeBreton: I thank the senator for that question. I think I read in the newspaper about the specific request by the Government of Newfoundland and Labrador. Along with the other questions with regard to this area, I will be happy to take it as notice and provide a written response.

INDUSTRY

LONG-TERM DISABILITY BENEFITS— NORTEL EMPLOYEES

Hon. Art Eggleton: Honourable senators, my question is directed to the Leader of the Government in the Senate. I have a message from Jim Barber, a Nortel employee.

Some Hon. Senators: Oh, oh.

Senator Eggleton: You mean you do not care?

Senator Mercer: That is pretty obvious.

Senator Eggleton: The letter states:

Both my wife and I have MS and neither of us are capable of working. The loss of benefits and wages would have a huge impact on our family. First our home is still mortgaged so we would have to sell our home. Secondly, the drugs that I take are around \$2400 per month and my wife requires about \$500 per month. I would have to stop taking

the drugs against the advice of my neurologist and risk advancing my symptoms. We also provide partial support for one of our sons who has a medical condition that requires additional financial support.

If Mr. Barber lived in the United Kingdom, he would have some cause for relief because last week, a U.K. court ruled in favour of the U.K. Pensions Regulator to force Nortel in that country to prop up their underfunded U.K. pension and disability funds, making payments totalling \$3.6 billion, which is far in excess of what people are looking for here.

Judge Michael Briggs said in his judgment:

Parliament has legislated to create financial obligations applicable to and payable by a company in an insolvency process.

This shows that governments can act to protect their workers when they are facing an unjust and dire situation.

I ask the Leader of the Government in the Senate: When will this government act to help the over 400 Nortel disabled who are being cut off at the end of this month?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, my answer is unchanged. There are no other words to describe it; the situation of these individuals, who are the unfortunate victims of the Nortel situation, is indeed very sad. I did read the media reports and the fact is that Great Britain has a slightly different system. Honourable senators also know that in this country pensions of this nature fall basically within the jurisdiction of provinces.

Having said that, the government is still seeking solutions that will work. Other than that, I cannot add anything further to what I have said before. Obviously, this matter has been dealt with by Parliament. With regard to the honourable senator's legislation that was defeated, as he and everyone else knows, it would not have helped the unfortunate pensioners of Nortel.

Senator Eggleton: That is totally untrue. There were ample witnesses and people of expertise who put together that piece of legislation. The government did have an option to adopt it; it could have put it in place.

Some Hon. Senators: Hear, hear.

Senator Eggleton: However, it chose not to do that. In fact, it has chosen not to do anything.

I brought this matter to the attention of the minister back in the spring. What has happened since the spring? All we keep hearing is, "Oh, it is being looked at to find a workable solution."

This has been a problem for 18 months. It has been known and nothing has come. However, the U.K. and just about every other country in the OECD have some way of dealing with this matter. Most of them, in fact, do have better bankruptcy protection than ours.

I will try something that the government is quite familiar with, because it did it itself, and it is a good thing. In 2007, this government passed the Wage Earner Protection Program Act,

which provides guaranteed payments of wages, vacation, severance and termination pay if employers become bankrupt. It moved them actually up into the super-priority classification.

For these Nortel disabled, their wages are all they have to live on, plus their medical benefits.

• (1450)

Why can that not be moved up into the same kind of category? Why has the government not added them into this Wage Earner Protection Program Act?

Senator LeBreton: Honourable senators, as the Honourable Senator Eggleton is aware, the situation that these Nortel employees face is a direct result of a court-approved settlement agreement between all parties under the legislation in effect at the time.

I read an article in this morning's *Ottawa Sun*, in which former Nortel employees commented that one of their negotiators had not given them proper representation. That does not change the fact, honourable senators, that this was a court-approved settlement between all parties. No amount of questions or concern, which is deeply felt by all of us, will change that simple fact.

Senator Eggleton: Honourable senators, what the leader says is not true. If Bill S-216 had an amendment at the end that said "and notwithstanding any judgment or order of any court during those proceedings," it would have made it retroactive within the confines of this particular court decision. The court decision was only based on the law and the facts that existed at the time. This would have made the difference in terms of retroactivity, which the Supreme Court says we have every right to do and which this government included, in at least three bills in this particular Parliament, namely, Bill C-37, Bill C-33 and Bill S-7. That is just wrong.

Honourable senators, let me focus on another aspect that was contained in Bill S-216, namely, dealing with people in the future. Bill S-216 dealt with not only the Nortel people in terms of the current condition but also with people who get into this situation in the future because there have been cases in the past. About 1 million people out there are working with companies in a situation where they are self-insured. If any of those companies go bankrupt, we will face this situation again. Why does the government not do something to protect those people in the future?

Senator LeBreton: To follow the honourable senator's logic, we would be retroactively rewriting laws for every court judgment in the country.

In his speech, I think Senator Greene put on the record the argument for retroactivity and retrospective legislation.

With regard to the future, I wish to inform the Honourable Senator Eggleton that is precisely why we made a commitment in the Speech from the Throne to better protect workers when their employer goes bankrupt. That commitment deals with the future. We are currently looking at ways to better protect employees who are on long-term disability also. That is why we made the

commitment to seek solutions, as Minister Clement correctly stated — and I think Senator Eggleton pointed that out — that we are looking for solutions that work.

HEALTH

TOBACCO PRODUCTS

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, yesterday I asked the Leader of the Government in the Senate questions about a meeting which took place between the Minister of Health and our provincial counterparts. I had it on good authority that certain things were said by that minister at that meeting. When the leader rose to reply yesterday, she said, at page 1598 of the *Debates of the Senate*:

I was not at the meeting, and I will not answer questions about a meeting that I did not attend.

I suggest, honourable senators, that that puts us in a difficult position and perhaps puts the Leader of the Government in the Senate in a difficult position and raises some issues about that role.

We all appreciate that government is complex and that no single individual can be expected to know everything that goes on every day in the complexity of the government. In the other place, as we know, ministers are responsible to answer for their portfolios and to answer questions about his or her actions, and that is the way it works. However, we only have one minister in the Senate. We had two briefly, but at the moment we have one. The government leader is expected to answer questions on behalf of the government.

Obviously, no person, even someone of the leader's experience, could possibly know everything that might be asked and be able to be aware of everything that is going on in every department. In those circumstances —

Senator LeBreton: I can hear you.

Senator Cowan: Oh, we are multi-tasking again. Good.

The issue, honourable senators, is that here there are normally some things that the leader is prepared for and is able to stand and to answer those questions. At other times, the leader is obviously not able to answer those questions and she takes questions as notice.

When I asked that question yesterday, which was very clear, I expected that the leader would have either confirmed what was in the public domain or would have been able to deny it or say, "I will take the question as notice and will get back to you and answer the question."

In that context, let me repeat that same question. Did the Minister of Health tell provincial ministers at the September meeting that the initiative on new cigarette warning labels was being shelved? Yes; no; I will take it as notice and I will respond?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as a colleague of Minister Aglukkaq, the Minister of Health, I stand by the minister's recollections of the meeting as she reported it in the other place.

Honourable senators, I believe that we are still dealing with speculative comments coming out of that meeting. I can only tell the honourable senator what the minister has informed the other place and what I have been informed as the Leader of the Government in the Senate, namely that additional health warning labels are still under review and an announcement will be made soon on the government's intentions.

Senator Cowan: Honourable senators, the reports from two provinces, Manitoba and Nova Scotia, were that the federal minister told her provincial counterparts at that meeting that this program was being shelved. That is not what the leader is saying today.

Honourable senators, the leader has had conversations with the minister and, presumably, discussed the issues with her. I simply need to have an answer. Are the labels being shelved or not? Are those provincial ministers mistaken in what they understood from the minister, namely that the program was being shelved? That is the question.

Senator LeBreton: Honourable senators, I have not personally spoken to Minister Aglukkaq about this. I was simply standing by the statements that she made in answer to similar questions in the House of Commons.

Clearly, and the honourable senator just repeated it, Senator Cowan seems to believe that the minister has made a definitive decision on this issue. I have indicated that that is not the case and I will repeat again that additional health warning labels are still under review and an announcement will be made soon.

Senator Cowan: To be clear, honourable senators, I did not say that I understood. I was not at the meeting, obviously and the leader was not at the meeting. However, we have, from two provinces, a clear understanding from people who were at the meeting that that is what the minister said. She either said it or she did not say it. It is pretty clear.

Senator LeBreton: Honourable senators, I am taking the words of the minister as she stated them in the House of Commons. However, in order to satisfy the desire of Senator Cowan for an answer, I will be happy to provide him with one.

Hon. Grant Mitchell: Honourable senators, it seems like such an easy decision. It saves lives of Canadians, it improves the health of some Canadians, it would diminish the number of young Canadians who would start smoking, and it costs the taxpayer of Canada absolutely nothing. It seems like such an easy decision and yet the leader's government has been thinking about it for 10 months.

Could the leader tell us why the government is not be able to make this slam-dunk decision in about 15 seconds — and maybe mention how long you take to make a really tough decision?

Senator LeBreton: Honourable senators, thank God Christmas is coming!

Senator Comeau: And the honourable senator is no gift!

Senator Di Nino: That won't change him!

Senator LeBreton: I wonder if Santa will come to him because it is either naughty or nice.

Honourable senators, we are doing a great many things, as Senator Mitchell knows, with regard to tobacco cessation. We have provided \$15.7 million in anti-tobacco strategy funding. The Cracking Down on Tobacco Marketing Aimed at Youth Act recently came into force. It is making it harder for the industry to entice young people to use tobacco products.

• (1500)

The minister is looking at many ways of reaching young people, through social media and other forms of communication.

Some people would argue that the warning on the cigarette package is a little late because consumers are at the point of buying the cigarettes. Having said that, additional health warning labels on cigarette packages are under review and an announcement will be made soon. I again point out that the whole concept of health warning labels on cigarette packages was started by a Conservative government.

Senator Mitchell: The government is clearly spending taxpayers' money on these important projects. That is good. However, the government seems so reluctant, on the other hand, to spend tobacco companies' money to help reduce smoking, with the same kind of result and objective in mind.

Could the leader tell us what it is that the tobacco lobbyists told her government that made it so beholden to their interests, ahead of Canadians' health interests?

Senator LeBreton: Honourable senators, the government is not beholden to the tobacco industry. The honourable senator and I both know that. That is an irresponsible statement.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that when we proceed to Government Business, the Senate will begin with Item No. 1 under Reports of Committees, followed by the other items as they appear on the Order Paper.

[English]

THE ESTIMATES, 2010-11

SUPPLEMENTARY ESTIMATES (B)—SEVENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on National Finance (*Supplementary Estimates (B), 2010-2011*), presented in the Senate on December 9, 2010.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, it is my pleasure, as Chair of the Standing Senate Committee on National Finance, to present this Seventh Report of our committee on behalf of the deputy chair, Senator Neufeld, and all the other members of the committee who worked so hard to complete this work. We typically have a rush of business at the end of the year, just before the end of the fiscal year, and then again in June, and this year was no exception.

We are dealing with the report of our study of the supplementary estimates, which all honourable senators should have a copy of. If honourable senators want to follow the comments I will make, the entire report appears in the *Journals of the Senate* for Thursday last, and that report may be of help.

Honourable senators, Supplementary Estimates (B) were tabled in Parliament on November 4 of this year and were referred to the Standing Senate Committee on National Finance shortly thereafter. The Supplementary Estimates (B), 2010-11 are the second set of supplementary estimates tabled in this fiscal year that ends on March 31, 2011. Honourable senators will recall that the first set of supplementary estimates, Supplementary Estimates (A), were filed in May/June and we dealt with those before we broke for the summer break.

I want to correct one point of the report at page 1, line 4. It states: "Once this report has been tabled," which it has now been, "the Estimates must then be approved by the Senate." It is not our practice in this particular chamber to approve the estimates. We approve the report, and that is the way this excerpt should read: that once filed, it should be debated and approved, because that forms the basis for dealing with Bill C-58, which is the supply bill that runs parallel to the supplementary estimates. Bill C-58 and the supplementary estimates go hand in hand.

If honourable senators understand that, then they will understand this process, which is somewhat different than most of the bills we handle in this place.

The committee held four meetings, honourable senators. The first meeting was with Treasury Board. We normally start with Treasury Board. They are the primary area of government that we deal with. The Treasury Board Secretariat is the group that prepares the supplementary estimates, in consultation, of course, with all the departments and agencies of government. Treasury Board officials come and explain to us the work they have prepared.

We had a good session with Treasury Board, followed by a meeting with the Privy Council officials. This is the first

opportunity we have had to invite the new Clerk of the Privy Council, Mr. Wayne Wouters, to appear before our committee, accompanied by other officials. Mr. Wouters explained to us the work of the Privy Council Office and its role in government.

The Department of Indian and Northern Affairs appeared before us, as well as Atomic Energy of Canada Limited, and then we had a final session, honourable senators, on the Canada Account.

I will explain the Canada Account further. It is important for us to understand that it is managed by Export Development Canada, but it deals with riskier loans than Export Development Canada normally involves itself in. Export Development Canada basically says to the government: You direct us to make this loan, and we will do so, but you back us up and indemnify us if the loan goes wrong.

A number of different people are involved in the Canada Account. The Department of Foreign Affairs and International Trade, Industry Canada, and the Department of Finance all appeared before us to explain their role with respect to the Canada Account, as well as Export Development Canada. We focused on a real-life situation, that being the loans to General Motors and Chrysler Corporation. That was an informative session.

I encourage honourable senators to review the report for more detail, because in the time I have available, I will touch only on some of the highlights.

The figure that honourable senators would normally see published in Supplementary Estimates (B) is an amount of \$2.3 billion. However, the voted appropriations are \$4.4 billion. There are statutory appropriations that are also referred to in the supplementary estimates but not in the supply bill.

One interesting point we discovered in the statutory estimates is that there is a significant saving, which reduces the amount roughly by half that is being requested in the supplementary estimates under voted appropriations.

• (1510)

On page 55 of the supplementary estimates, senators will see a saving of \$2.9 billion reflected in the estimates. We asked where this saving came from. It is under the consolidated Specified Purpose Accounts. You will not be expected to remember all these names, but the Specified Purpose Accounts have certain items included, including the Employment Insurance account and the Canada Millennium Scholarship Foundation Excellence Award fund. We know that part of that saving would come from the millennium scholarship funds because they were cancelled, so that is a saving.

There is apparently a significant saving in the Employment Insurance account. Honourable senators will recall that two years ago we extended by five weeks the Employment Insurance that was running out. The estimate as to how much that would likely cost the government turns out to be quite a bit more than in fact was needed. That is where the majority of that savings comes from, honourable senators, and I thought it was important for you to understand that saving.

Total estimates to date are \$266.6 billion. That includes \$261.6 billion that we approved back in March of this year, Supplementary Estimates (A) of \$1.9 billion and then these supplementary estimates of \$3.1 billion. That compares fairly closely to the budget that we all looked at in February-March of last year of \$280.5 billion.

Honourable senators, I will go over a few of the highlights from those various entities that appeared before our committee. Atomic Energy of Canada Limited appeared again because they are back asking for another \$294 million. They talked about many different expenses, but one of the large ones is the work they are doing on refurbishment of their CANDU reactor in Point Lepreau, New Brunswick. That is a significant drain on their revenue because it was a fixed-cost contract, and they are well beyond the fixed cost in their actual expenses.

AECL admitted to us that they are having cash-flow issues. Treasury Board has a vote 5 contingency fund, and they provide money to government departments on an emergency basis if they believe that department will get money later on. AECL received \$100 million through that particular program.

AECL stated to us that they overestimated their preparedness and ability and underestimated the technical demands and difficulties of the project. They entered into a fixed-price contract, and they have learned some lessons from that with respect to other contracts including Gentilly and Hydro-Québec and a number of others in Ontario, but their main problem is with respect to the New Brunswick CANDU reactor.

The other point with respect to AECL, honourable senators, is that they said without doubt they will be back for Supplementary Estimates (C). They will be back for more money. They have been told not to enter any contracts and should finalize no major agreements during this restructuring, and as a result, as some honourable senators were very concerned about, it affects the revenue they might be able to generate when they cannot do business. They have indicated there will be an increase in appropriations and we should anticipate that increase.

Honourable senators, the next group I will discuss is Canadian International Development Agency, \$265 million, including \$173 million to foreign aid for maternal, newborn and child health programs, but very specifically excluded from the wording was "sex education and birth control" for these foreign entities looking for foreign aid. We know that very important part of the package has been excluded.

Honourable senators, the next group is \$833 million for the Department of Indian Affairs and Northern Development, and part of it is for specific settlement claims. We were told the government has booked \$5 billion in contingent liabilities to deal with settlement claims and they have settled 848 of the claims thus far and there are 557 claims left to be settled. Also brought to our attention was the Alternative Dispute Resolution in the Indian Residential settlements. They set aside \$960 million for a period of six years, and in one year, they have already spent \$455 million, almost one-half of what they had set aside. They have paid 2,500 claims already, and that is much heavier than they had anticipated.

They also indicated for the North that the Food Mail Program has been discontinued. They are back for another \$10 million for that program, but it will be discontinued next year and a more efficient program called Nutrition North Canada will be implemented. We will follow that new program.

The final area with respect to Indian Affairs and Northern Development is the concern we had of major amounts allocated to that department which were then transferred out to various other departments; \$17.1 billion was transferred out to other departments. We asked why those other departments did not ask for that money directly so we could follow it and see how it was administered, and that is a concern that we will want to follow up on further. We will follow the transferring of money from one department that appears to have an easier time raising funds and then that department acting as a banker for a number of other departments.

Office of Infrastructure Canada, the information in this particular report is somewhat outdated because it anticipated refunding a lot of the older programs — Municipal Rural Infrastructure Fund, Canada Strategic Infrastructure Fund, Gas Tax Fund, et cetera — believing the infrastructure stimulus program would be coming to an end with all of the promises of no extensions. Therefore, people were working over the winter to try and get jobs done before the program came to an end. It has now been extended to the end of September.

The Department of National Defence is an area with which we had some concerns.

Honourable senators, I wonder if I might have five more minutes to finish up my report.

Hon. Senators: Agreed.

Senator Day: Thank you. The Department of National Defence has a number of funding issues, and they will be back undoubtedly for Supplementary Estimates (C) which will be coming in probably February. One of their areas of funding is for procurement of equipment of course and the interim payments that they have to make, but they are coming to us and asking us to approve \$650 million in supplementary estimates to a \$21 billion budget, and they are expected to save \$80 million from expenditures. They save \$80 million but then come and ask for half a billion dollars in supplementary estimates, so I wonder if that program of saving is really working the way it should.

Canada Account, honourable senators, we are still working on. One of the good things about the Finance Committee is that we can continue to be charged with this. This is an interim report, and we will continue our work. The Canada Account is a difficult one with respect to these loans. Honourable senators heard Senator Marshall provide an undertaking yesterday to try and help us with this.

• (1520)

In general terms, in round figures, it looks like approximately \$11 billion was loaned to General Motors, with two thirds from Canada and one third from Ontario. Shortly after that, \$9.7 billion was converted into shares. Those shares were booked at one value, and then the value went up with the recent offering. We sold some of our shares for a higher amount, so that will go

into the Consolidated Revenue Fund, but we want to find out how these various funds are being booked. We still hold many shares; the figure is over 58 million. There is also a loan that is outstanding to Chrysler Corporation.

We have been doing this for many years, but we learned for the first time that National Defence has a different type of carry-forward, which is money they have left in their budget that they can carry forward to the next year. They can carry forward 2.5 per cent from operating and 2.5 per cent from capital. For all other departments, it is 5 per cent from operating only and nothing from capital.

The issue of transfers, honourable senators, is an area I mentioned earlier and it is a matter of concern. We saw the Green Infrastructure Fund reduced by \$16.5 million, and that was transferred over to Infrastructure Canada and Natural Resources Canada. We want to follow these transfers more closely.

Honourable senators, those are the major features of this report. I commend the report to you. I would hope that if and when this report is adopted — I am assuming it will be — that it will form the basis for dealing with Bill C-58, which will follow shortly.

The Hon. the Speaker *pro tempore*: Further debate?

[Translation]

Hon. Fernand Robichaud: May I ask Senator Day a question?

Senator Day: Certainly.

Senator Robichaud: Speaking of the Millennium Fund, Senator Day said there was a savings of \$150 million. To me, the word “savings” is not the right word because the funds were not handed out to the students. Can the senator explain this to me?

Senator Day: The honourable senator is right. There was a savings of \$2.9 billion in five or six categories.

[English]

— the Employment Insurance account, the Canadian Millennium Scholarship Foundation, the Civil Service Insurance Fund, et cetera.

[Translation]

We do not have the exact amount for the Millennium Fund, but the money was not spent because the program was cancelled. It is too bad.

Hon. Roméo Antonius Dallaire: Would the honourable senator agree to answer a question?

Senator Day: Certainly.

Senator Dallaire: In the Department of National Defence estimates, there is vote 5 and vote 1. In vote 5, we find the purchase of capital equipment.

The Department of National Defence used to be able to transfer sums from vote 5 to vote 1 in order to boost needs in O&M and that money came from large contracts that had not been finalized on time because the contractor could not meet the deadline or it was too late.

We are talking about roughly \$450 million for this year. Did this money stay in the Department of National Defence's budget or did it go back into the general fund?

[English]

The Hon. the Speaker *pro tempore*: I regret to inform the Honourable Senator Day that his time has almost expired. I just wanted to remind him that his answer must be short.

[Translation]

Senator Day: If the Department of National Defence holds back 2.5 per cent of vote 5 and vote 1, that money could be transferred to the following year, but it cannot be transferred from vote 5 to vote 1 without permission from Parliament.

[English]

Senator Dallaire: Are we not allowed time extensions to be able to ask more questions?

The Hon. the Speaker *pro tempore*: There was an extension granted for five minutes and the five minutes is up. However, there is time for further debate. Is there further debate, honourable senators?

It has been moved by the Honourable Senator Day, seconded by the Honourable Senator Moore, that the report be adopted now. Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Ringette: On division.

(Motion agreed to and report adopted, on division.)

[Translation]

FEDERAL LAW— CIVIL LAW HARMONIZATION BILL, NO. 3

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator Demers, for the third reading of Bill S-12, A third Act to harmonize federal law with the civil law of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law;

And, on the motion in amendment of the Honourable Senator Watt, seconded by the Honourable Senator Lovelace Nicholas, that Bill S-12 be not now read a third time, but that it be amended, on page 1, by adding after line 5 the following:

“ABORIGINAL RIGHTS

1.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.”

Hon. Serge Joyal: Honourable senators, first, I would like to mention that I am very happy about the government's initiative in introducing Bill S-12. I will certainly give it my full support.

I would also like to mention to honourable senators that I support the amendment proposed yesterday by our colleague, Senator Watt, and I will quickly explain why.

First, in terms of the actual content of Bill S-12, I find it somewhat unacceptable that its sponsor — who proved to be a very diligent worker when this bill was studied by the Standing Senate Committee on Legal and Constitutional Affairs, and heard numerous witnesses, including experts from the University of Ottawa and representatives from the Canadian Bar Association — did not summarize the nature of the bill in this chamber. Despite the daunting, technical title, the fact remains that this bill touches on an extremely important aspect of Canada's identity — the fact that our country has different legal traditions that stem from different historical sources. And every day, when this chamber passes bills, the language of these bills draws on these different legal traditions and tries to reflect the same reality and the same content, so that litigants — that is, Canadians, the courts, lawyers and anyone who represents the country's people — interpret the same elements of the law in the same way.

Essentially, this bill aims to reconcile different legal traditions in the same legal text. There are a number of legal traditions in Canada, the first of which is the Aboriginal legal tradition.

[English]

First, there is the Aboriginal common law tradition. When the European settlers first arrived in Canada in the 17th century, Aboriginal people already existed in this country and they were ruling themselves. They had customs, and those customs were in fact recognized by the Supreme Court in 2004 in a very important and seminal judgment, *Haida Nation v. British Columbia*. I would like to quote what the court said in that judgment. The Supreme Court said the following:

Put simply, Canada's Aboriginal peoples were here when Europeans came, and were never conquered.

[Translation]

When the Europeans arrived here, the Aboriginal tradition already existed, and that tradition was not eclipsed by the European legal tradition because the Aboriginals were not conquered.

[English]

There were settlement arrangements in order to allow the Europeans to take root in Canada and to manage their affairs in full respect of the way Aboriginal people ruled their own family law, trade law, commercial law and political law.

[Translation]

When the French arrived here, they took note of the way Aboriginals organized their legal relationships and they accommodated it.

• (1530)

That is why Canada's French law, which was brought from the home country through French customary law, the *Coutume de Paris*, and imposed in 1674, was a legal tradition that existed in symbiosis with the Aboriginal legal tradition until the country was handed over in 1763, when British common law took its place alongside the French and Aboriginal legal traditions.

[English]

For over 100 years, those three sources of law have lived together, borrowing from one another but living peacefully together. Of course, with the colonialist policy of the 19th century, when Aboriginal peoples were pushed progressively onto their own reserve land, they were forced through the Indian Act to adopt more and more the British common law, but not to yield their own traditional, legal common law system.

[Translation]

The Supreme Court of Canada thus clearly recognized the existence of an Aboriginal legal tradition. Do honourable senators remember the Royal Commission on Aboriginal Peoples initiated by former Prime Minister Brian Mulroney?

[English]

The Royal Commission on Aboriginal Peoples was co-chaired by George Erasmus, an eminent leader of the First Nations people, and Justice René Dussault. Included among its membership were learned and distinguished Canadians, among them former Premier of Saskatchewan Allan Blakeney, former Justice of the Supreme Court of Canada Bertha Wilson, and former Aboriginal leaders Mary Sillett, Viola Robinson and Paul Chartrand.

The commission tabled its report in 1993 and came to some conclusions about the existence of Aboriginal legal tradition.

[Translation]

The commission had this to say:

In the Aboriginal experience “the organizing and regulating force for group orders and endeavour... was custom and tradition.” “Customs were derived from the Creator”, and because they were spiritually endowed and through history had withstood the test of time, they “represented the Creator's sacred blueprint for the survival of the tribe”.

In other words, the common law legal tradition among Aboriginal peoples — what they did among themselves — was sacred, and they respected that tradition. Why? Because it was a promise they had made. We all know that the Aboriginal legal tradition was not passed down through legislation or court rulings. It was passed down from one generation to the next orally, through the clan elders. The elders were responsible for interpreting the tradition.

This is especially important, honourable senators, because Quebec francophones in particular, who had to accommodate this Aboriginal tradition in their development for more than 150 years, recognized it in 1994 when they adopted their new Civil Code, which redefined the legal tradition of civil law, the written law in Quebec.

In 2004, nearly six years ago, on the 10th anniversary of the adoption of the Civil Code in Quebec, the National Assembly presented an exhibit for which a catalogue was prepared. In that catalogue celebrating the 10th anniversary of the Civil Code, this is what was said about the Aboriginal legal tradition:

In the territory of New France, the customs of the Amerindians coexisted for a long time with the legal traditions of the mother country, each one based on centuries-old rules handed down through the generations. The Amerindian people lived according to the customs and instructions taught by their clan elders. These customs, often varying from one nation to another, constituted the legal standards applied to life in society. For instance, although monogamy was not obligatory, it was generally practised. Spouses were considered each other's equals. Women had some authority within the family and the community, and the education of children was a collective responsibility.

You will understand, honourable senators, that the Aboriginal legal tradition differed from the legal tradition of French origin, but they coexisted side by side. In 1763, another legal tradition arrived.

[English]

That one was from the common law source; however, all those traditions had to live side by side.

This bill gives the capacity to us, as legislators, to adopt a statute that will become the law of the land and will express those two legal traditions in two different languages. We adopt the principle of British common law, or English common law, expressed in both French and English. We also adopt principles and concepts of civil law in both the French language and the English language.

Besides those two main traditions expressing themselves in four different languages, we have the Aboriginal legal tradition, which might sound new to some honourable senators, but it is an element that the Law Reform Commission of Canada fully recognized in 2004 and proposed ways to manage the progressive adaptation of that Aboriginal tradition into our own linguistic and juridical reality.

In fact, in the North, in Iqaluit, Nunavut, there is a law school that teaches Inuit legal traditions, in Inuit, to the Inuit people

and, of course, to others. This school is called Akitsiraq Law School in Iqaluit, and it is important because it is there that that legal tradition will be progressively expressed and integrated into our legal language. That might appear technical to honourable senators, but the process of adopting statutes and legislating for Aboriginal people in the North is the reality of today.

I especially mentioned Nunavut, where there are three official languages. My colleagues who were here last year will remember when we adopted a bill to recognize three official languages in Nunavut, namely, English, French and Inuktitut. In the Northwest Territories, there are 12 different official languages besides English and French. There are many other Aboriginal languages. In the Yukon, there are English, French and other languages that are used and promoted.

In other words, we live in a more complex reality than having only one source of law, the British common law tradition, that is expressed in the bill; hence it is the responsibility of Parliament and the government to ensure that those concepts are well reflected in its legislation.

That objective was adopted in 2001 by a bill that added to the interpretation law of Canada the responsibility of Parliament to legislate according to the expression of two main traditions in four different languages.

It is important, honourable senators, to be concerned about the progress of our initiative and efforts to reflect that reality and to keep that in mind. In this bill, the amendments of Senator Watt signal that, besides those two legal traditions, the Aboriginal peoples have their own reality. There have been the official apologies that have been given to the Aboriginal peoples through the initiative of the government, and we have commended the government for that in this chamber, so that progressively this reality is restored to its status and integrated into the juridical reality of Canada.

• (1540)

Among the experts we have heard at the committee, Professor Aline Grenon sent us last week — Thursday, December 9 — the introduction of her work, entitled —

[Translation]

Le droit comparé au Canada à l'aube du XXI^e siècle is a book written by Professors Aline Grenon and Louise Belanger-Hardy. In the introduction, the professors state quite rightly that comparative studies of law used to be limited to analyzing the various facets of civil law and common law, but now they have to take into account the ramifications of Aboriginal law, among others.

[English]

It is recognized among the experts and the professors in the law schools of Canada that this is the reality; and progressively, we will take steps to ensure that this reality is integrated at various levels according to the reality of the Aboriginal tradition. It is complex, because there are words in the Aboriginal Inuktitut language — although I am not an expert in Inuktitut — to express a reality that we need a long phrase or long sentence in French or English to explain.

[Translation]

There are concepts in our English and French languages that have to be paraphrased in Inuktitut because there are no words in that vocabulary to express this type of reality. It is complex from a legal standpoint but, honourable senators, not only is it feasible, it is desirable.

[English]

I think we have to hope for this because that is the only way that the Aboriginal people will be restored in their rights to recapture their identity, to recapture their language, to recapture the *modus vivendi*, to recapture the capacity to take part in the Canadian dream of making sure that, as they say in the other language,

[Translation]

There is always a place in the sun for everyone. I believe that in order to integrate the Aboriginal peoples, we must recognize their legal traditions.

[English]

— their Aboriginal common law and our capacity to integrate it in our own Canadian law.

The Hon. the Speaker *pro tempore*: On debate.

[Translation]

Hon. Claude Carignan: Will Senator Joyal answer a question? I understand that his time has run out.

[English]

The Hon. the Speaker *pro tempore*: Your time has expired, but do you want to ask for more time to respond to a question?

Senator Joyal: With pleasure.

[Translation]

The Hon. the Speaker *pro tempore*: Five minutes.

Senator Carignan: Senator Joyal spoke about the sponsor of the bill. We are dealing with the motion in amendment and, if I understand parliamentary procedure correctly, I still have the floor and will continue by speaking about some of the witnesses, those who impressed me.

This is the third harmonization bill. We have had Federal Law-Civil Law Harmonization Act, No.1, and then No. 2. You sponsored the second one in 2004 and this type of derogation clause existed. It was more important before 1982, and after that it was used sporadically because it was integrated into the Constitution, in section 35 of the Constitution Act, 1982, when the need was not as great, but it did occur sporadically.

I looked at Law No. 2, and the clause was not included, and despite the passion that I felt you rightfully showed, this type of clause is not found in the bill you sponsored. May I know why?

[Senator Joyal]

Senator Joyal: I thank Senator Carignan for his question. Honourable senators, this will allow me to refer again to the work of the Standing Senate Committee on Legal and Constitutional Affairs. When the Harmonization Laws, No. 1 and No. 2, were adopted by Parliament in 2001, the Standing Senate Committee on Legal and Constitutional Affairs at the time was chaired by retired Senator Lorna Milne. She chaired the committee for many years. The committee was studying the nature and the impact of the derogation clauses. I would like to highlight the remarkable contribution to our work at that time of Senator Pierre-Claude Nolin. In other words, the committee was given a mandate by this chamber to assess the impact of derogation clauses and, eventually, recommend to the government that it make a decision on the use of these derogation clauses.

In 2004, when the second harmonization bill was introduced, the Legal and Constitutional Affairs Committee had not completed its study of this issue. We did not complete our report until a few months later. Our report has since been tabled. The government of the day made its position clear. Now, we are more or less at the same stage as before, given that no official decision has been made regarding the government's use of derogation clauses.

However, Aboriginal people, particularly the Aboriginal senators who were part of our work at the time, expressed their concerns that their reality would be excluded from consideration by the Canadian majority when we passed legislation on matters about which they have particular convictions, for instance, regarding the protection of endangered species. Senator Adams was extremely concerned about this matter. Any time we were examining a bill to protect endangered species, we wanted to include a derogation clause to ensure that Aboriginal peoples could continue to exercise their right to express an opinion regarding the reality of hunting and fishing, which could affect endangered species.

In the present case, we are facing a similar situation. The law included in Bill S-12 is not only perfectly acceptable, but we must continue in that direction — not, however, to the detriment of the ability of Aboriginal people to continue reclaiming their own laws, affirming them and ensuring that they eventually become part of the Canadian legal reality. It is in this context that this derogation clause now has meaning.

[English]

The Hon. the Speaker *pro tempore*: Is there further debate? Honourable senators —

[Translation]

Senator Carignan: I would like to take part in the debate on Senator Watt's motion in amendment.

[English]

The Hon. the Speaker *pro tempore*: Are you on debate or are you asking a question?

Senator Carignan: On debate.

The Hon. the Speaker *pro tempore*: Senator Fraser, do you want to speak on debate as well?

Hon. Joan Fraser: On debate. I will take maybe 30 seconds, Your Honour. It follows directly from Senator Joyal's truly excellent speech. He said what I believe more eloquently and more learnedly than I could ever hope to do.

There was, however, I think, a factual error in his response to Senator Carignan when he suggested that our former and, by me, much beloved colleague, Senator Milne, had been chair of the committee at the time when we made our report on derogation clauses. If memory serves, honourable senators, it was the Deputy Speaker, Senator Oliver, who was then the chair of the committee.

Senator Joyal: With humble respect, I will try to correct my mishap, Your Honour.

Your Honour will remember, of course, that when you assumed the chairmanship of Standing Senate Committee on Legal and Constitutional Affairs, the committee had already had many hearings and many witnesses from all walks of the legal community. You were able to come and pick up the crop of all those contributions. It was not intended to overlook your personal merit to have chaired our committees and our studies at that time. My humble respect, Your Honour.

[Translation]

Senator Carignan: Honourable senators, I did my homework this morning, even though I did not have much time. Of course, I reread the Senate report Senator Joyal mentioned, the one produced in 2007, which was further to an earlier report.

• (1550)

The first report from November 25, 2004, recommended that Harmonization Act, No. 2 be passed. The then Speaker, the Honourable Lise Bacon, made various observations, including the following one, in which the committee urged that:

... a way should be found to integrate Aboriginal legal traditions into Canadian law alongside the civil and common law in a manner that will better reflect Canada's diversity.

In 2004, various reference requests were made of the Standing Senate Committee on Legal and Constitutional Affairs to study this question in more detail.

A thorough study was done in 2007, and it was followed by a report in December 2007, under the chairmanship of the Honourable Senator Fraser. The report was titled: *Taking Section 35 Rights Seriously: Non-derogation Clauses relating to Aboriginal and treaty rights*.

This report by the Standing Senate Committee on Legal and Constitutional Affairs was very detailed and it presented the issue's historical context.

I would like to draw your attention to certain pages of this report as well as to some of the issues that were raised. An issue was raised through Bill C-33, Nunavut Waters and Nunavut

Surface Rights Tribunal Act; consequently, another discussion took place concerning the implication of using a non-derogation clause. On page three it says:

When [the senators] and the Minister of Justice were unable to reach a solution acceptable to all, the government leader in the Senate introduced a motion in June 2003 to have the matter referred to committee.

In October 2003, the Senate instructed the committee to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing Aboriginal and treaty rights of the Aboriginal peoples of Canada under section 35 of the Constitution Act, 1982. Subsequent orders of reference were submitted in November 2004, June 2006 and November 2007.

The question obviously came up because there were diverging arguments. Some said that section 35 of the Constitution Act, 1982, was considered to be adequate protection, and that the non-derogation clause was useless and should therefore be avoided. Others, including representatives of the Congress of Aboriginal Peoples, recommended that the non-derogation clause be present in all federal legislation.

Page 10 of the report contains the title of the clause suggested by Senator Watt, and I quote:

For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.

This non-derogation clause is a new and different formulation than some past non-derogation formulations and was also the subject of discussion.

During his testimony, a legal advisor from Nunavut's Executive Council Office said, regarding the exact formulation Senator Watt noted:

In the view of Nunavut witnesses, however, deletion of the non-derogation clause in Bill C-33 was preferable to maintaining it as drafted, particularly since the legislation was implementing a constitutionally protected modern treaty. They found the new wording confusing and ineffective, and were concerned about possible deleterious interpretations that it might attract. The Government of Nunavut took the position that

... not only does the present language not provide assurances that Parliament does not intend to impair existing Aboriginal treaty rights through this legislation. ... By limiting the protection of the clause to just the protection provided for Aboriginal treaty rights, by the recognition and affirmation of those rights in clause 35, the provision incorporates the common-law authority to infringe Aboriginal and treaty rights. ...

This was a legal advisor for the Government of Nunavut who was opposed to that formulation in a clause that, I will admit, had to do with government recognition in Nunavut.

As well, on page 16 of the report, the committee said:

The Committee agrees with both government and non-government witnesses that the current *ad hoc* approach to legislated non-derogation clauses is unsustainable.

Because the derogation clause is included in some cases and not others, this could give rise to contradictions and questions as to how legal experts would interpret the clause.

The committee members went on to say the following:

It has resulted in different clauses based on one of two main variations in some, but not all, federal statutes with potential impacts on Aboriginal rights and interests. This approach appears to us to accentuate the government's concern about the courts assigning an unintended scope to any such clause, if only to distinguish its purpose from that of another differently worded one.

To avoid these contradictions as to the presence or absence of derogation clauses, the committee recommended putting an end to this practice and repealing all the non-derogation provisions in legislation. Instead, they recommended including a specific provision in the Interpretation Act to cover all the laws of Canada.

Honourable senators, since the committee already expressed an opinion on this and said that the *ad hoc* approach was not a good idea because of the possible negative legal impact on Aboriginal rights, I would suggest that you reject this amendment and instead propose that the Minister of Justice amend the Interpretation Act to include a specific provision and also reiterate the content of the report tabled in the Senate in December 2007.

The Hon. the Speaker *pro tempore*: Is there further debate? Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Honourable senators, the vote is on the motion in amendment moved by the Honourable Senator Watt, seconded by the Honourable Senator Lovelace Nicholas, that Bill S-12 be not now read a third time, but that it be amended, on page 1, by adding after line 5 the following:

“ABORIGINAL RIGHTS

1.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the Constitution Act, 1982.”

Is it your pleasure, honourable senators, to adopt the amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Will those honourable senators in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Will those honourable senators who are opposed to the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the nays have it.

(Motion in amendment defeated, on division.)

The Hon. the Speaker *pro tempore*: Are you ready to vote on the main motion? Further debate?

If Senator Carignan speaks, that will close the debate.

• (1600)

Senator Carignan: Honourable senators, I am pleased to speak to you at third reading of Bill S-12, a third act to harmonize federal law with the civil law of Quebec and to amend certain acts in order to ensure that each language version takes into account the common law and the civil law.

You will remember that I gave a speech on October 27, at second reading of this bill, which is the third in a series of harmonization bills introduced before Parliament. I closed my speech by inviting all members of this chamber to give this bill their full support.

You will also remember that, on November 18, Senator Hervieux-Payette rose in this chamber to recommend that we fully support Bill S-12. During her speech, she noted, in particular, that all Canadians benefit from the harmonization of federal legislation with the civil law of Quebec and that this is a necessary, unavoidable process that enriches both our legal systems and helps strengthen Canadian unity while respecting each province's cultures and institutions.

My motion for the second reading of Bill S-12 was put to a vote immediately following Senator Hervieux-Payette's remarks and the motion was adopted without opposition.

My motion to refer Bill S-12 to the Standing Senate Committee on Legal and Constitutional Affairs was also adopted without opposition.

I had the pleasure of meeting with my colleagues on the Standing Senate Committee on Legal and Constitutional Affairs, on December 1, 2, 8 and 9 to hear witnesses on Bill S-12. The statements made by the witnesses and heard by the committee clearly indicate that the legal community strongly supports Bill S-12 and the harmonization initiative.

Honourable senators, I would like to mention in this place, as I did in committee, that I have rarely seen such a consensus about a bill since being appointed a senator. I would like to quote the Association des juristes d'expression française de l'Ontario as well as the Fédération des associations de juristes d'expression française de common law who, in their evidence, said:

We strongly and without hesitation support a harmonization process that includes the four legal languages. The federation and the association believe it is vital to convey that they stand firmly behind full respect for Canadian bijuralism and bilingualism in federal legislation.

As honourable senators probably know already, Canada has four legal languages: the French-language civil law, the French-language common law, the English-language civil law and the English-language common law. The federation and the association believe that these four legal languages, including the French-language common law, must be respected and acknowledged in all federal legislation.

Over the past thirty years or so, a great deal of effort has been made in Canada to make the common law more accessible to francophones living in a minority situation outside Quebec. Through great effort by jurists, universities, researchers and governments, despite the common law's centuries-old English origins, it has opened up to the French language. The integration of French-language common law terms into harmonized federal legislation further recognizes and legitimizes the role played today by French-language common law in Canada.

Furthermore, by integrating the French-language common law into federal legislation, it becomes more accessible to francophone jurists who work in provinces with a common law tradition and to the francophone clientele. For these reasons, the federation and its network, including the Association des juristes d'expression francophone de l'Ontario, would like to thank federal legislators for all efforts made to harmonize federal legislation.

In addition, Professor Stéphane Rousseau from the Law Faculty at the Université de Montréal told us:

This program and the work that has been done are extremely important and very relevant for at least two reasons. Primarily, they allow us to gradually build a body of legislation that takes both legal systems — both common law and civil law — into account in all federal legislation, and in both official languages, thereby making this federal legislation accessible to everyone across Canada, in both legal systems and in both official languages, which, I believe, is extremely important.

Therefore, considering this unequivocal support and the fact that no witnesses raised any particular concerns regarding any of the provisions in Bill S-12, the Standing Senate Committee on Legal and Constitutional Affairs unanimously passed the bill without amendment.

I would like to thank my colleagues on the Standing Senate Committee on Legal and Constitutional Affairs for their serious and prompt consideration of Bill S-12, and I urge all senators to pass the bill with a unanimous vote.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

• (1610)

[English]

FIGHTING INTERNET AND WIRELESS SPAM BILL

THIRD READING

Hon. Gerald J. Comeau moved third reading of Bill C-28, An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Meighen, that this bill be read a third time now.

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

SAFE DRINKING WATER FOR FIRST NATIONS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Brazeau, seconded by the Honourable Senator Lang, for the second reading of Bill S-11, An Act respecting the safety of drinking water on first nation lands.

Hon. Sharon Carstairs: Honourable senators, I read with great interest Senator Brazeau's comments on this bill at the second reading stage in which he over and over again talked about the amount of consultation with First Nations communities that went on in the preparation of this bill. Yet, honourable senators,

I received the following letter addressed to the Honourable John Duncan, PC, MP, Minister of Indian Affairs and Northern Development, House of Commons, Ottawa, Ontario:

Dear Minister Duncan,

RE: MANITOBA FIRST NATIONS OPPOSITION TO BILL S-11 SAFE DRINKING WATER FOR FIRST NATIONS ACT

In a previous letter to your predecessor Minister Strahl in September 2009, we outlined our concerns with the federal government's breach in its duty to consult and accommodate First Nations on the overall water management strategy.

The introduction of Bill S-11 will negatively impact our Inherent Treaty Rights. We request clarification on why it was introduced into the Senate and not in the House of Commons, as bills requiring resources are first introduced in the House of Commons. Is there a commitment from the federal government to ensure sufficient resources for the development of regulations and as recommended by the Expert Water Panel "to bring all First Nations water systems to comparable operation standards as the rest of Canada"?

The language in Bill S-11 was drafted without First Nations input. We call your attention to some of the serious issues:

The Bill seeks to determine authority to provide for the relationship between the regulations and aboriginal treaty rights referred to in section 35 of the Constitution Act, 1982, including the extent to which the regulations may abrogate or derogate from those aboriginal and treaty rights.

The Bill will "prevail over any laws and by-laws made by a First Nation" undermining powers of First Nations under the Indian Act;

The Bill says Canada had the authority to force First Nations into agreements with third parties to operate First Nation water systems;

The Bill says Canada has the authority to give judicial legislative and administrative power to "any person" to carry out the Bill and regulations passed under it.

As it stands the Assembly of Manitoba Chiefs do not support Bill S-11 and demand that it be halted and amended to include the participation of First Nations in the drafting of future legislation that does not erode or negatively impact our Inherent and Treaty Rights.

We look forward to your response on this timely issue.

It has been signed by Ron Evans, the Grand Chief of the Assembly of Manitoba Chiefs.

In light of that particular statement, I cannot possibly support this bill.

Hon. Grant Mitchell: Honourable senators, I would like to mention a few points on Bill S-11, which has been debated in detail. Certainly I concur with the presentation made by my colleague, Senator Banks, but I would like to emphasize several

points, because this is a fundamentally important issue on many levels, certainly for First Nations communities in my province of Alberta and First Nations peoples across the country. To the extent that First Nations people are not being adequately treated, it is an issue not just for First Nations people, but for all Canadians.

My initial reaction is that at second reading we are debating this in principle and, of course, this is a difficult principle at one level not to concur with. The fact of the matter is that it is a bill about safe drinking water and so, at face value, one would appreciate it might be supported relatively easily, but it depends on how one parses the principles.

There are principles that affect First Nations' rights to self-governance and fundamental rights, and there are principles of capacity-building in Aboriginal communities so that they can perform the kind of functions that would be called for in this act and be penalized if they were not fulfilled.

There is a serious problem and we have heard it many times. Once again, I wish to emphasize that as of 2009 there are still 49 First Nations water systems classified as high risk and, as recently as August 31 of this year, 117 communities were under drinking water advisories.

To emphasize Senator Carstairs' point, I would also like to point out that it is instructive in this debate that there is very little support among First Nations peoples for this piece of legislation, despite the fact that the government spins it continuously as something that will actually be to their advantage.

The devil is, of course — as is usually the case — in the details. There are two broad problems. First, in several, if not many ways, this legislation offends rights, it can lead to the abrogation of rights for Aboriginal people, and it raises self-governance issues.

The preamble sets out an assumption quite clearly — and in quite a startling fashion — that somehow First Nations do not have the authority necessary to govern water on reserves, and this implicitly demonstrates a lack of respect for First Nations governance systems. The fact of the matter is that in many ways they do in fact have these powers.

• (1620)

Clause 6 of Bill S-11 is a direct affront to Aboriginal fundamental rights and self-government in that it states, among other things, that the regulations of Bill S-11 will prevail over the land claim agreements or self-government agreements. By definition, this will allow the federal government to abrogate or derogate from the terms of modern treaties and to diminish the authority, the powers that First Nations do exercise and have every right to exercise right now over administrative mechanisms that they have for, among other things, dealing with the quality of their water.

This abrogation and self-governance issue is further compounded by the provisions set out in clause 4(1)(b) of the bill, which states that under this act the government may make regulations to —

... confer any legislative, administrative, judicial or other power on any person or body ...

— to carry out what is called for under this bill. There is no provision for that to be done in consort with Aboriginal peoples, with Aboriginal governance parameters, in consultation to utilize the structures that exist already in some cases and actually can function quite well. It is, in fact, with these three provisions — preamble, clause 4(1) and clause 6 — that there is a profound affront to Aboriginal rights and to their self-governance rights as well more specifically.

Honourable senators, in short, in order for this bill to be acceptable in any way, shape or form, there must be provisions that ensure that there is no abrogation of these rights under any circumstances once this bill, or one that would be amended, would be put into law.

The second problem is that while this bill lays out a legislative structure of sorts, it in no way addresses the issue of capacity-building. There are tremendous demands on Aboriginal communities to be met under this bill in order to meet the standards, high as they will be, that will be set under this bill, and in fact they can be punished for not meeting those standards.

Honourable senators, it brings one to recollect the adage that you cannot legislate certain problems away. Legislating standards in this case will not legislate the problem of water quality away because many First Nations communities will not have the resources to meet these standards in any event.

It may, however, be that the government thinks it can legislate away — read spin away — its political problem, because it can say, “Look what we are doing. We have brought in legislation. It is substantive.” They can carry off that somehow they have made some kind of commitment to First Nations communities that will really solve a desperately severe problem, when in fact it simply will not.

I will conclude by saying that earlier this year we considered the Aboriginal matrimonial properties bill, which shares much in concept with the nature of this bill. When I say that, I mean that it was implicitly condescending in the way that it structured its relationship to matrimonial property-changes on First Nations. It was condescending in the fact that it applied a legislative structure, a legislative attitude, a legislative philosophy that simply did not meet the traditions of First Nations Aboriginal peoples. The same applies here. The Aboriginal matrimonial property bill was consistent with this bill as well to the extent that it required a great deal and does require a great deal of effort, expense and expertise on the part of First Nations communities, and they simply do not have the capacity, nor was there any provision for them to have the capacity or the resources, in either of these bills to do what needs to be done under these bills.

It seems to me that this may be becoming a very bad and unproductive habit. It is a habit, an attitude, a way of condescending to First Nations people that simply will not work. These pieces of legislation, this one in particular, will not solve the problem the government would say it is designed to solve. In fact, in many ways it just compounds the problem and it certainly raises expectations that simply will not be met.

For that reason, honourable senators, I think this is not a particularly good piece of legislation. It needs a lot of work. Maybe it will get some of that in committee, but if it does not, it is not worth passing.

Hon. Tommy Banks: Would the honourable senator accept a question?

Senator Mitchell: Yes.

Senator Banks: Honourable senators, I responded to Senator Brazeau’s proposal of this bill by saying that I would vote against it at second reading because of the fact that second reading is on the matter of the principle. If we pass a bill at second reading, we are agreeing with the principle of the bill, and I have suggested in previous words that the principle is beyond saving.

Senator Mitchell has now had a chance to look at the bill. Does he think the bill is susceptible of being made workable by amending it and would he therefore vote for sending it at second reading on principle to committee for study?

Senator Mitchell: That is a trick question from my own colleague.

Honourable senators, there are two different remedies required of this bill before it would be in any way acceptable. I am not a lawyer, but I know that probably the question of abrogation of rights could be solved by an amendment at committee. There is something to be said for allowing a committee review of this bill to be explored to see whether that kind of amendment can be made or could be made.

The problem, however, of resources to be committed to allowing this bill to be enacted and pursued fully and properly is a different issue because, while we could amend the bill to say that there should be resources, perhaps, there is no guarantee and in fact, given our experience with this government, they can say they will put money into something and then they do not.

It is Christmas. I think I would allow it to go to committee so we could review it and pursue it further and see if it can be improved to a point where we might just vote on it.

The Hon. the Speaker *pro tempore*: Is there further debate? Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by Honourable Senator Brazeau, seconded by Honourable Senator Lang, that the bill be read the second time now. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker *pro tempore*: Adopted, on division.

(Motion agreed to and bill read second time.)

REPORT TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Brazeau, bill referred to Standing Senate Committee on Aboriginal Peoples.)

APPROPRIATION BILL NO. 4, 2010-11

THIRD READING

Hon. Elizabeth (Beth) Marshall moved third reading of Bill C-58, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011.

Hon. Joseph A. Day: Honourable senators, I was giving the Honourable Senator Marshall, as the sponsor of the bill, the opportunity to speak first with, but I am not certain that Senator Marshall will speak.

I believe there are two or three points that should be made so that honourable senators can understand the relationship between the report that we dealt with extensively a short while ago, the report on Supplementary Estimates (B), and this bill, which is a supply bill, Bill C-58, based on the supplementary estimates.

We have just adopted the report, honourable senators. That in effect is our study. This bill was not referred to committee, and that was not a mistake; that was our intent, because we had studied the supplementary estimates, as I indicated yesterday, like a subject matter study prior to even receiving Bill C-58.

The only exercise that I go through with respect to Bill C-58 at third reading is to ensure that the schedule that we studied in the supplementary estimates is the schedule attached to the supply bill.

• (1630)

Honourable senators, this is a supply bill. On your behalf, I have compared the proposed schedule that we have studied to the schedules that are attached hereto and I find them to be the same. That is not always the case and it is nice when we are able to find a difference.

The other point I want to make, honourable senators, is that this schedule is for expenditures authorized to the end of March 2011, except for those few items that appear in Schedule 2. There are certain entities, or agencies, that are authorized to have expenditures approved for two years. They must spend the money that is authorized by March 31, 2012. An example of those agencies appears at page 56 of Bill C-58, namely, the Canada Revenue Agency and Parks Canada. They receive authorization for two years as opposed to all other government departments that receive one year.

I find the bill is in order according to the supplementary estimates that we have studied and the report that you have adopted.

The Hon. the Speaker: Is there further debate?

Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read third time and passed.)

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Mahovlich, for the second reading of Bill S-220, An Act to amend the Official Languages Act (communications with and services to the public).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I am very pleased to speak today at second reading of Bill S-220. First, allow me to congratulate Senator Maria Chaput on the tremendous research and consultation that went into introducing this bill.

This is a comprehensive and far-reaching bill that addresses a number of issues that are important to official language minority communities. I want to acknowledge the passion, sincerity, perseverance and dedication that Senator Chaput has shown and continues to express for Canada's official language minority communities.

When you come out of a meeting with Senator Chaput, you have a true sense of her conviction. I can attest to the fact that she believes strongly in the development of official language minority communities. Rarely a week goes by without her stopping by my office to talk, not only about Bill S-220, but also about a host of projects she is working on for a cause that means so much to her. I encourage her to continue in her chosen role of promoter and defender.

As the chair of the Official Languages Committee, she is known as someone who seeks consensus. She is always prepared to work with both sides in order to reach it. That is why I recommended that she keep the position of chair of the committee the last time committee chairs were shuffled.

Above all else, she is very endearing. She is a sincere woman whom you would want as a neighbour and a friend. In her speech, Senator Chaput spoke of her children and grandchildren. They can all be proud of their favourite senator. She has a good reputation among us here in Ottawa, on both sides of the chamber. We are happy that you shared her with us.

Partisanship is a fact of life in Parliament, but I sincerely believe that Senator Chaput does not bend to any political agenda. She would never profit from her position or dedicate her efforts to benefit a political agenda.

In fact, it is amusing to see her embarrassment when she is sitting next to Senator Mercer as he launches into his partisan rants, which is basically any time he opens his mouth.

Some Hon. senators: So true!

Senator Comeau: For all these reasons, I do not believe that her bill involves partisan politics. Her work on Bill S-220 has been an honest and sincere effort to help her cherished minority language communities flourish.

That is why we need to recognize that the countless hours she has put into working on and researching this bill have been given sincerely. Her work must be appreciated and should not be criticized for the wrong reasons. And so I will try to be as positive as I can when raising the points that concern the government. I will be recommending that the bill ultimately be sent to committee so that it can be studied seriously, as should happen with a serious bill.

Senator Chaput knows that I do not support private members' bills that propose major amendments to legislation or significant changes to public policy, unless the government consents.

Unlike the separation of powers in the United States, in Canada there is a clear separation of the parliamentary and executive functions in our parliamentary system. By getting involved in the government's executive role and proposing major legislative initiatives, the Senate is changing, and even weakening, the very nature of our government system, which is a system based on trust.

The primary role of individual members of Parliament in Canada is to examine the government's bills, not to govern. Our legislative responsibility is of the utmost importance, and there is no reason for parliamentarians to get involved in the executive role, which is the government's responsibility.

The involvement of individual members works in the United States because, unlike Canada, the American republic is not based on the confidence-centred Westminster system of government. Under our confidence-based system, the role of the government is to govern and the role of the opposition is either to oppose or to propose alternatives for the consideration of the government and the electorate. If Parliament does not have any confidence in the government's programs, it can take appropriate action.

This is the best way to make governments accountable when they seek re-election. When important legislation, like the bill that is now before us, is proposed and passed by the opposition in a minority government, it becomes impossible to hold the government accountable under our confidence-based system.

How can voters hold government accountable if the opposition is governing through private members' bills?

Another problem with these bills is the fact that the government must authorize any new expenditures. Our parliamentary system, which has been in place for centuries, is based on conventions that seriously limit the power of backbenchers and opposition parties when it comes to introducing bills and amendments that involve significant expenses.

Legislating is a matter of choice. Expenses associated with Bill S-220 must be paid for out of existing programs. This will result in funds being reallocated from other high priority programs to our official language minority communities.

• (1640)

Which programs from the roadmap should be abolished or cut back in order to finance the priorities of Bill S-220? Should we limit assistance to schools for minority language groups, assistance to language groups in the provinces, literacy programs, cultural programs, improvements to health care services? Are the priorities set out in Bill S-220 the new priorities of our minority language communities?

Before talking about the provisions of Bill S-220, I want to confirm the government's commitment to official languages. As Senator Chaput noted in her speech last June, we recently celebrated the fortieth anniversary of the Official Languages Act. We took that opportunity to provide an update on the progress made so far regarding the promotion of French and English across Canada. The evidence is rather strong. We have accomplished a lot in the last four decades and we are eager to keep moving forward.

Forty years ago, most communities in Canada had to use the language of the majority to communicate with federal institutions. Government services in French were very limited. Today, over 90 per cent of official language minority communities have access to federal services in their language through various means, for example, 1-800 numbers, websites, one-on-one conversations, as well as telephone services and publications.

In 40 years, we have transitioned from a nearly unilingual public service to a bilingual public service in which the official languages are part of everyday life. Before the Official Languages Act was passed, less than 10 per cent of jobs were bilingual, while now over 40 per cent are. In the National Capital Region, 65 per cent are bilingual.

We need not look hard to find other examples of the major progress being made by federal institutions. We need only look at our government's latest annual report on official languages. This report shows that an increasing number of federal institutions have taken action to ensure that their employees can take training in their second language to maintain or improve their level of bilingualism.

Our government's efforts in this regard have been criticized in some newspaper articles. However, we will proceed with our work and continue to offer this training to public servants.

We also see that the number of public servants who meet the language requirements of their positions has increased significantly.

We have made considerable efforts over the years. A great deal remains to be done, but we can be proud of our accomplishments. Were we to list the measures implemented to date, we would be here all day as it is an impressive list. Over the years, the people who have shown a firm commitment to promoting linguistic duality in Canada have been supporters of positive change. A

good number of them are here with us in this chamber today. I would like to thank them for their support in this matter. Their passion for their communities and for the principle of linguistic duality, not to mention their honesty in light of current challenges and issues, are both inspiring and appreciated.

I would add that, in our chamber, differences of opinions do not give rise to personal attacks, contrary to what we saw last week when a member in the other place resorted to a vicious personal attack against me rather than just criticizing my ideas.

Getting back to the contributions of engaged citizens, I am thinking of the excellent work of Bernard Lord, who oversaw the government consultations on linguistic duality and official languages held in December 2007 and January 2008. Mr. Lord was tasked with speaking to people and organizations throughout Canada to gather various ideas and opinions. Everyone shared their unequivocal passion for and their commitment to official languages. Following these consultations, Mr. Lord developed a strategy for the next phase of the Action Plan for Official Languages, the basis for the government's Roadmap for Canada's Linguistic Duality. This document recognizes the great support linguistic duality enjoys across Canada.

The roadmap charts the course for a strong future and a more united Canada. It is based on two pillars: the participation of all Canadians in linguistic duality, and support for official language minority communities.

The roadmap is an unprecedented government-wide investment of \$1.1 billion over five years. It targets five priorities: health, justice, immigration, economic development, and arts and culture. The roadmap embodies our government's commitment to linguistic duality and to both official languages.

As the Prime Minister said when he was announcing the Roadmap, linguistic duality is a cornerstone of our national identity and a source of immeasurable economic, social, and political benefits for all Canadians.

The roadmap outlines the course we plan to follow over the next five years in order to build on Canada's strong foundations. It invests in several important initiatives, many of which support official language minority communities. I know that Senator Chaput, who introduced this bill, cares deeply about those communities.

They include minority language communities such as the French-Canadians of Northern Ontario. Our government has committed to providing up to \$4.5 million to promote their economic well-being. These funds were disbursed through the economic development initiative, a key aspect of the roadmap. The roadmap also gave our government the means to help francophone immigrants in provinces such as Manitoba, New Brunswick and Prince Edward Island to improve their literacy and other essential skills to allow them to contribute fully to their communities.

The roadmap also includes steps to improve services in both languages for linguistic minorities. For example, Health Canada has improved its investment in retaining, educating and training health care professionals who work in the official language of the

minority. For Canadians, that means increased access to health care services in the official language of their choice and the ability to communicate with health care providers.

Countless achievements like that have been made across Canada thanks to the roadmap. I am sure that this is the type of initiative Senator Chaput could get behind and promote. I say that with confidence because the bill she has introduced perfectly captures the spirit and intention of the roadmap initiatives to improve the vitality of significant minority groups.

Nonetheless, although the spirit and intention of Senator Chaput's bill are admirable, the effect of its proposals and their application would have major repercussions likely to produce negative results.

[English]

It is interesting to note that, in her speech at second reading, Senator Chaput spent very little time discussing the eight amendments proposed in her bill. She went so far as to call them minor amendments.

Honourable senators, the amendments in this bill are far from being minor. In fact, it is a significant rewrite of the Official Languages Act. The amendments would significantly impact the private sector, as well as provincial and municipal levels of government.

Let me discuss just a couple of the amendments to give honourable senators an idea of what we are dealing with.

One amendment, subsection 22(2), would require the RCMP to provide services in both official languages on all parts of the Trans-Canada Highway that it serves. We are talking about every single part of the Trans-Canada Highway.

• (1650)

Honourable senators can imagine what this would mean for a country the size of Canada. It would create an obligation to provide bilingual services in areas where there is little or no demand. Moreover, the RCMP estimates that it would cost millions of dollars to comply. These are costs that would have to be absorbed not only by the federal government but also by the provinces and the municipal levels of government, which have to pay for the contract policing.

I imagine that some jurisdictions might even consider contracting out the service to other non-federal police forces. As noted earlier, private members' bills cannot authorize new spending from the treasury. Therefore, the federal funding would have to be diverted from existing services.

The bill would also impose official language requirements on a new category of private organizations. Proposed subsections 23(1) and 23(1.1) include for the first time companies that provide rail, maritime and transportation services. These provisions mean that for the first time the Official Languages Act will apply to private organizations without ties to government. Currently, only Crown corporations and former federal institutions, such as Air Canada, are subject to the act, and these institutions were made subject to the act when, for example, Air Canada was privatized. A special

law was made that they would be subject to the Official Languages Act in order to become a Crown corporation, and obviously there were monies that went along with this requirement from the federal government.

As a result, we could find ourselves imposing a heavy financial and administrative burden on companies that have no previous official language requirements. These companies would have to recruit and train bilingual staff, which, in turn, could have a significant impact on their performance and competitiveness, all in a time when the passenger transportation sector has been hard hit by the global recession.

Interestingly, the bill does not apply to bus companies, which would give them an unfair advantage over other modes of transportation. Perhaps even more troubling is that this amendment could create the precedent whereby the Official Languages Act could be applied to other industries in the federal jurisdiction. This application could include major companies such as in the banking and telecommunication sector. Such a massive change cannot be undertaken lightly. Is this what we want to do?

Senator Chaput's bill proposes changes to address the issue of significant demand. This has been a long-standing issue of concern to minority language communities for long time.

I have talked to Minister Stockwell Day, and he is also very much aware of the debate on significant demand. He indicates to me he is open to listen and learn more on Senator Chaput's proposal, and would like to hear more detail on her proposal, as well as other ideas on the subject. He is indeed prepared to listen.

The bill proposes a fundamental change in the way bilingual federal offices are designated. Her proposed amendment would change the criteria for what constitutes significant demands, which, as I noted, is the formula used to determine when services must be provided in both official languages. Her proposal would establish new criteria based on vitality of linguistic communities. As a result, there would be a significant increase in the demand for services in both official languages.

A preliminary analysis has been undertaken on this provision as written and it shows — I note as written — that the number of offices designated as bilingual would increase significantly. For Canada Post alone, the number would increase from 650 to more than 1,500. In Quebec, the impact would be considerable; 95 per cent of federal offices would be designated bilingual. The impact would be in the millions of dollars.

Proposed paragraph 22(1)(b) would make the federal languages obligation subject to provincial and territorial obligations rather than the current and real needs identified by our minority language communities. I may be missing something, and I will follow the debate at committee, but unless I am missing something, this could be an alarming amendment to the Official Languages Act, but I am prepared to listen to more detail on it. As I say, I may be missing something.

I am told it could increase disparity in federal services offered in different provinces and territories, and would require bureaucracy to monitor, assess, plan, budget and implement changes to match

what the provinces are doing, based on whatever rationale the provinces are using, rather than what the federal government should be doing to respond to communities' identified needs.

In other words, we would be looking at the provinces in order to match what they are doing but we may not know the province's rationale entirely, so we will set up a whole bureaucracy to try to find out what they are doing but will have to implement it because they are doing it.

These are only a few of the amendments. There are others in this bill, some of which are complex and far-reaching. These types of amendments that we have before us today are far from minor. They are not humble, nor would they amount to a small change in the way the Official Languages Act is applied.

The bill will require complete reform of the regulations of the official languages that deal with communications and with services to the public. There are many legitimate issues that oblige us to reflect carefully. I have discussed only a few of them today.

The bottom line is that the government is committed to providing bilingual services. These needs are constantly assessed and adjusted based on the information gathered, and the government will continue to assess and adjust. The responsible management of public funds demands that federal services respond to communities' needs based on stable and measurable data.

Honourable senators, English- and French-speaking Canadians have come a long way together. It is a journey that can be traced back to the founding of Acadie and then Quebec City. Notice the order, Acadie and then Quebec City. That is the order, and some people tend to rewrite the order. I have the correct order. Those events took place over 400 years ago, events that in recent years we celebrated with much fanfare and good cheer, and I think all Canadians applauded.

There have been countless efforts to build on this foundation over the years to ensure that Canada's official languages continue to be a strong part of our national identity. The government is committed to build on this legacy, and this is being done through the *Roadmap for Canada's Linguistic Duality*.

Let me stress again that the road map was developed after listening to Canadians and working with minority language communities to address their identified needs.

We recognize that we have a responsibility to play a leadership role with respect to official language communities and one that the government takes seriously. We look forward to continue addressing the concerns of linguistic minority communities, but it is the responsibility of the government under our parliamentary system to use a measured approach. This is the responsible way to go about doing the nation's business.

The electors give mandate to the party with the most seats to enact legislation and implement major policy decisions, and the electors will render a decision at election time. If the opposition parties are not happy with the government's programs and

initiatives, it is their duty to defeat the government and to propose an alternative platform to the electorate and obtain a mandate to implement these proposals.

Backbenchers are increasingly trying to circumvent the royal prerogative powers of government to enact legislation, which commits the treasury. However, the evasive approaches, creative though they may be, are foreign to our parliamentary system. Backbenchers have to go through the back door to accomplish what government is mandated and obligated to do openly in their budget documents.

Senator Chaput refers to the quasi-constitutional status of the Official Languages Act. She said it is not an ordinary law, and I agree with her completely. This reason is another one that massive amendments to the Official Languages Act cannot be taken lightly.

The question must be asked: Is a backbencher's bill the most appropriate means to bring significant amendment to a quasi-constitutional act of Parliament?

Senator Chaput proposes amendments to the Official Languages Act that are extremely ambitious. In fact, they are massive. I suggest that her proposal be evaluated eventually at committee stage for its impact and possible reductions of existing services to our minority communities, the impact of these services on the treasury, the impact on the private sector that would be brought under the provisions of the Official Languages Act, and the impact on provincial and municipal levels of government. Obviously, parliamentarians would need to seek the views of these parties affected by the amendments.

• (1700)

The government does not support the bill, but there is no reason why the bill should not eventually be referred to committee for study. There are a number of provisions in the bill that I have not addressed, because I simply could not measure the impact and I am not quite sure I understand some of them.

To conclude, Senator Chaput has put a great deal of work into this bill. I commend her for her work. She has given us a document that can form the basis of a profound reflection on services for minority language communities. I am convinced that it is not a partisan endeavour, and I stress this. I am thoroughly convinced this is not a partisan endeavour or what we sometimes refer to as a "wedge issue." I do not believe in any way that she would bring this as a wedge issue. Her work is done for the right reasons and, because of that, it is our duty to treat it seriously.

Hon. Elizabeth (Beth) Marshall: Honourable senators, I move the adjournment of the debate.

The Hon. the Speaker: Questions and comments?

[Translation]

Hon. Maria Chaput: Would the Honourable Senator Comeau agree to answer a question? Thank you very much, Senator Comeau. I was eager to hear your ideas and suggestions about the bill, as well as those of your colleagues.

[Senator Comeau]

I like to remind myself that when I arrived in the Senate, one of your colleagues, the Honourable Senator Beaudoin, came to talk to me, and I will never forget what he said: as a western francophone and a member of an official language minority community, never forget, and say to yourself when you speak: equal status, equal rights. If you say that to yourself every time you speak, you will never again speak as someone who is part of a minority, but as someone who is fully involved in what is happening in Canada. There you have it.

We are talking about an amendment to Part IV of the Official Languages Act. I understand that you will want to discuss it, and if I understood correctly what you told me, some of your colleagues would also like to take part in the debate.

I have told Senator Comeau and Senator Mockler several times that my goal is to bring this whole issue before a committee of the Senate for debate and that I am very open to changes and amendments, because all I want is a bill that really meets the needs of Canada's francophone and Acadian communities.

So in that spirit, Senator Comeau, am I to understand that the debate will continue, that some of your colleagues want to take part and that eventually — as soon as possible, I hope — this bill could be referred to a Senate committee for discussion and debate?

Senator Comeau: I make you that promise. I will also encourage my colleagues to refer the bill to committee, but I cannot promise you that they will agree. I will encourage them to send this bill to committee. Your committee wants to take a very serious look at this bill.

You have contributed to the debate by raising some very important issues that people are not aware of, specifically the issue of "significant demand." That issue alone could be dealt with more thoughtfully and in greater detail. You and other people might suggest a better approach. There may be other solutions.

I will encourage all of the honourable senators on my side to send the bill to committee, and I hope that the senators from your side will do the same.

As you know, we allow free votes on private members' bills. Senators are not forced to vote with one side or the other, but I would encourage them to send this bill to committee.

I am pleased that you mentioned the comments made to you by our former colleague, Senator Beaudoin. He knew the issue and the technical aspects very well. Linguistic duality, equality and the right to equality for both communities are all equally important concepts. French and English are two official languages with equal rights. That is very important. That is the foundation for language rights progress in Canada.

Newspapers often mention the fact that Chinese will be the most widely spoken language in British Columbia. In fact, I read something similar in yesterday's *Quorum*. It is possible, but it is not important. The fact is that there are two official languages in Canada.

[English]

Maybe there is more Ukrainian than French spoken in Saskatchewan. That is possible. However, that is irrelevant because Canada has two official languages: French and English. Let us remember that and stick to the basics.

Both languages are equal under the law. They are both equal if I go before a judge; the law written in French is just as good as the law written in English. That is very important. Very few countries have that. We are blessed to be in a country with two official languages. One can revert to the laws in French.

[Translation]

I do not know if that answers your question, but yes, we will send the bill back as quickly as possible.

Hon. Roméo Antonius Dallaire: I thank Senator Comeau for moving forward with the debate on this bill, which is no doubt complex. I will not start to debate the issue of whether 1604 counts more than 1608, but as Senator Dawson said, in those years, we stayed all winter.

I have a question about two points that you raised: the issues of measured approach and significant demand. Was the introduction of the bilingualism act in 1968 motivated by a measured approach, or did it turn out to be a revolutionary measure and considered as such for years in many areas?

The bill that Senator Chaput is sponsoring is perhaps not on the same scale as the 1968 legislation, but it is still rather significant and governments should be prepared to study it. The argument for a measured approach should not indicate a refusal, but should instead show the government's desire to respond to a need.

Now for my second point, which has to do with "significant demand." I was one of the first graduates of the military college after the new bilingualism legislation was passed in 1969. I worked for 36 years in the Armed Forces.

My friends on the show *Tout le monde en parle* often laugh at my accent that seems to be very anglicized. Why? Because I worked for 36 years in a department that, according to the law, was bilingual but where, in reality, English was the primary language. If you could not write in English, you would not get anywhere. Documents are always handed out with the note, "French version later." And "later" is a long time. That is what happens in our departments.

To get back to my point of significant demand, French-speaking soldiers clearly said that they would no longer go into combat and put their lives in danger in the language of the officers, as was done during both world wars and the Korean War. From now on, it will be done in the language of the troops. That is significant demand, but it is possible to circumvent the application of the act in the Department of National Defence. We now have unilingual officers commanding French troops.

What has been brought up is important and deserves to be studied carefully in committee. We must stop dancing around the issue.

• (1710)

Senator Comeau: Senator Dallaire taught me something today. I always understood significant demand to mean the demand where there was a geographic community, within certain boundaries, in which a certain number of the minority were living, whether it was anglophones living in Quebec or francophones living outside Quebec. I always understood significant demand to be a geographic issue related to the number of people living in a particular geographic area.

Senator Dallaire taught me today that significant demand applies to the military. This is new to me. I am very impressed to learn this. However, I do not know how it applies to the military since we are talking about an institution rather than a geographic region.

This is how the concept of significant demand can become complicated. Will the suggestions made by Senator Chaput, who I believe was speaking about a geographic community, apply to the military community? These are good questions that could be raised in committee.

Hon. Fernand Robichaud: Honourable senators, before I ask Senator Comeau my question, I would like to respond to Senator Dallaire's question. The answer is 1604.

Senator Dallaire: Absolutely. We humbly look to you.

Senator Robichaud: I also deduce that Senator Dallaire did learn to write in English, as proven by his excellent advancement in the ranks of the Canadian Forces. Bravo!

I would like to come back to Senator Comeau's statement, which at the beginning, skilfully extolled all the virtues of Senator Chaput, as we know her. He spoke about her good intentions, which I also praise.

I know that Senator Comeau has great influence over the honourable senators on his side of the chamber and that he clearly indicated that he is prepared to see this bill sent to committee so that it can be examined and, more specifically, so that witnesses from the various language communities can come and speak to us.

Is Senator Comeau prepared to use his great influence among his honourable colleagues to ensure that this bill is sent to committee now? We could save some time.

Senator Dallaire: Absolutely. Go for it. Go right ahead.

Senator Robichaud: We could move forward and consult communities to round out this bill. I am begging Senator Comeau to use his great influence so that we can take action immediately.

Senator Comeau: There is a man who knows how to sing the praises of others and to flatter me.

We will try to send the bill to committee as quickly as we can. I am extremely interested in the bill. Senator Chaput raised some important points. We should give ourselves the opportunity to examine the principle of the bill at second reading in the Senate.

As you can see, I support the principle of the bill and I will suggest to my colleagues that it be sent to committee. I believe it is important to have further debate at second reading so that senators can ask questions of one another. We will hear from witnesses who come from all over. I believe that Senator Chaput will provide a complete list of witnesses. We will get there before too long.

(On motion of Senator Marshall, debate adjourned.)

SUPREME COURT ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

Leave having been granted to revert to Commons Public Bills, Item No. 1.

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Rivest, for the second reading of Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages).

Hon. Francis Fox: Honourable senators, I thought Senator Meighen was going to speak to this bill this afternoon, which is why I am a little confused.

I would like to begin by saying that I want to participate in this debate because it pertains to some very crucial issues that are extremely important to the Canadian federation. I do so with the full knowledge that the party in power plans to make sure this bill is rejected, and what is more, plans to use delaying tactics to prevent the bill from being referred to committee.

Others will be better positioned to analyze the significance of the term “parliamentary democracy” in the context of a minority government that has an absolute majority in the upper chamber and can therefore determine, at its sole discretion, the fate of bills that are passed against its will in the House of Commons by the elected representatives of this country.

My intention here today is to put forward a few ideas and notions that, I believe, argue in favour of passing this bill.

The Senate is really a forum for political ideas and not the appropriate place to conduct an in-depth legal analysis of section 133 of the Constitution or section 19 of the Canadian Charter. That is the judiciary’s responsibility, but after reading the broad trends that have emerged in the jurisprudence since the *Beaulac* decision, it is entirely possible that the judiciary would reach a similar conclusion to what the bill is seeking.

It is truly unfortunate that by refusing to send the bill to committee, the government is making it impossible to enrich the debate through the presentation — either by experts, stakeholders

or senators themselves — of possible amendments that could help build a consensus around this bill.

Through the debates in this chamber, we have already seen that certain senators would have made key suggestions in committee. Senator Champagne, for example, spoke about the possibility of delaying appointments to allow for language training. And in Senator Carignan’s speech we heard about the possibility of potentially innovative and interesting approaches. We know that the customary contribution of Senators Fraser, Joyal and Baker would also enhance the debate. But these suggestions will never be considered because the government intends not just to enforce a gag order but to take the guillotine to this bill.

Let us get back to the main issue. We are talking about the Supreme Court of Canada, and let us focus on the word “supreme.” It is the court that has the final say in cases between individuals, between an individual and a province, between an individual and the federal government and, finally, between the federal government and the provinces.

Final arbitrator in civil, commercial and criminal matters; final arbitrator in administrative and constitutional law; this court is not like any other. It is an institution of the federation, an institution that must reflect the values of the federation in its composition and operation. Who today would deny that the Official Languages Act — and I did enjoy Senator Comeau’s remarks — is one of those values?

• (1720)

How can this government deny today, after recognizing that Quebec is a nation — and I must give credit to Mr. Harper, and to Mr. Ignatieff who proposed that motion — that the highest court in the land, the final arbitrator of the federation, does not reflect our linguistic duality in its enabling legislation? Giving French the right to be interpreted is clearly not enough and, Your Honour, it borders on insulting to take such a position. It is a shame that, after 40 years of progress, the government wants to make such a situation permanent.

Let us talk briefly about the federal legislation that this court is called on to interpret. I would like to quote a constitutional expert from Montreal who said the following recently in *Canadian Legal Newswire*. Mr. René Cadieux from Montreal said the following:

[English]

The Official Languages Act is a quasi-constitutional statute that supersedes all federal statutes, including the Supreme Court of Canada but not the Canadian Human Rights Act. It is designed to implement section 16 of the Canadian Charter of Rights and Freedoms, which is itself a constitutional provision that is not subject to the notwithstanding clause. Under section 133 of the Constitution Act, 1867, all federal statutes are to be bilingual. That means that the law is in two languages. It does not mean that the English version is for English Canadians and that the French version is for French Canadians. It means that both versions are for all Canadians. In order to apply federal law, one must therefore be able to read both versions. This is a requirement of the job of being a judge of federal law.

[Translation]

I would like to say a few words about the right of citizens to be heard and understood by federal institutions in the official language of their choice. The basic principle of the Official Languages Act is to grant every citizen the right to address any federal institution in the official language of their choice. As the distinguished Commissioner of Official Languages pointed out in the House of Commons on June 17, 2010:

The nature of Canadian linguistic duality means that Canadians have a right to be served by the state in the language of their choice; it is, in effect, a right to be unilingual. The state is officially bilingual so that the citizen does not have to be. And citizens can live full and prosperous lives in Canada speaking only one official language, with no need to learn the other. This puts the burden of bilingualism on the state, and more particularly, on those who play national leadership roles.

Institutional bilingualism in the Federal Court means that panels must be constituted so as to ensure that the individual can be heard and understood without the use of an interpreter. The principle is recognized at that level. How can we justify the highest court in the land being held to a lower standard? The main argument against recognizing this right is the fear of reducing the number of judges able to sit on the Supreme Court of Canada.

Is there a conflict between two rights: the right of the individual to speak and be understood and the right of a limited number of jurists to be appointed to the Supreme Court?

I remember one debate that took place in the House when I had the honour of sitting as a member there. I listened with a great deal of interest as the Honourable Robert Stanfield explained the difference between a privilege and a right. It seems clear to me that a right must take precedence over a privilege.

It is a privilege to be appointed to the Supreme Court of Canada or any other court in Canada and to be called on to do an important job for the benefit of the community. In appointing a jurist to high judicial office, the Governor in Council is not recognizing that this individual had the right to be appointed, but that for a series of reasons, he possesses the necessary qualifications to be called to the bench.

What the bill says is that one of the necessary qualifications must be the ability to understand both of the country's official languages.

France Kenny, president of the Fédération des communautés francophone et acadienne, has put her finger on the problem. She recently said:

Bill C-232 is presented as a choice between legal competence and bilingualism, but that is a false choice. The Canadian Charter of Rights and Freedoms ensures that bilingualism is one of the essential legal qualifications for sitting on the highest court in the land.

Would it be impossible to find qualified jurists if this additional criterion were adopted? Eight of the nine sitting Supreme Court judges have the necessary professional and linguistic

qualifications. Is it really impossible to imagine that we can find nine out of nine? In a federation such as ours, knowledge of both official languages is an additional qualification that should be required of those who aspire to be members of the highest court in the land.

Sometimes, honourable senators, I think we are going over old ground because we do not recognize the progress that has been made in Canada. We are ignoring Canada's youth, who are already more open to the world than their predecessors and who show a great deal of promise. People no longer talk about learning a second language, but about the importance of learning a third language in this global village. The bill before us is a sign, an encouragement to future generations, especially the jurists of this generation, telling them that it is time to modernize the Supreme Court of Canada Act.

This bill will not be passed or studied in detail in committee because the Conservative government has decided it will not be, but this bill will be a beacon to light the way for future generations of jurists who aspire to be justices of the Supreme Court.

[English]

Adopting this bill will send a message from coast to coast reaffirming that Canada is a bilingual nation, a nation where linguistic duality is not an obstacle but part of who we are as a country. It sends a clear message; it sends the right message.

Hon. Elaine McCoy: Would the honourable senator accept a question?

Senator Fox: Yes.

Senator McCoy: As you know, I have spoken against this bill, and for the reasons I gave before, I would not support its passing at third reading.

However, I am a great supporter of the traditions in the Senate, which do encourage all bills to go to committee so that we can have Canadians come and express their views, pro and con. There is no doubt that there are many Canadians passionate on this subject. It is an important one for our country, and I am eager to see it proceed to committee.

I am concerned, however, that it go to the most proficient committee. I would think that would be the Standing Senate Committee on Legal and Constitutional Affairs, particularly in view of the honourable senator's comment that he would like to hear from a constitutional expert. Would the honourable senator consider referring it to that committee or supporting that recommendation?

Senator Fox: I thank the honourable senator for the question. I think the Standing Senate Committee on Legal and Constitutional Affairs would be the appropriate place to refer this bill. I very much hope that in the spirit of what I heard Senator Comeau say before on Senator Chaput's bill, that one would realize that it is important that this bill be debated in depth; that it be recognized that many senators in this house would have the opportunity to make representations and also make comments and recommendations as to how we could proceed and have greater progress in this area.

I would very much hope to see the bill go there and that Senator Comeau, in the spirit of what he was saying before and in the spirit of Christmas, would find the same generosity of spirit and say, yes, this bill must go to that committee.

Hon. Michael A. Meighen: Would the senator accept a question?

[Translation]

Senator Fox: Yes.

Senator Meighen: In your remarks, Senator Fox, you agreed that seven out of nine Supreme Court justices already meet the requirements.

Senator Fox: Eight.

Senator Meighen: Eight out of nine, excuse me, that is even better. Is there not a philosophical difference here? You want to have legislation that, in and of itself, has a certain inflexibility because it is a law. Personally, I lean towards flexibility. If Bill C-232 were adopted, there would no longer be any flexibility. There would no longer be flexibility for the First Nations, perhaps. There would no longer be flexibility for Canadians who are not of English or French stock, or at least there would be less flexibility.

As we are close to attaining the goal you seek, would it not be preferable to leave things as they are and to put our trust in the opinions and knowledge of our young people, who are very different from what we were like when we were of university age?

• (1730)

Senator Fox: It will not come as a surprise to you that I disagree with Senator Meighen. As he pointed out, we have already come a long way. Eight out of nine judges can hear a case in French and understand the people appearing before them.

Think, for example, of a constitutional case in which the Government of Quebec has an extremely serious position to put forward. Imagine that the chief justice decides that this requires a panel of nine judges and one of the nine does not understand the oral arguments. This is the nation's highest court. The Conservative government itself recognized Quebec as a nation, which was a huge step forward. And now, you are refusing to take just a small step. If Quebec is a nation, would the federal institution that interprets the Constitution and interprets the relationship between the two levels of government not be completely bilingual? It is rather difficult to understand how it comes down to this.

[English]

Senator Meighen: I move the adjournment of the debate in my name.

The Hon. the Speaker pro tempore: It has been moved by the Honourable Senator Meighen, seconded by the Honourable Senator Wallace, that further debate on this matter be adjourned until the next sitting of the Senate.

Senator Tardif: No.

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those in favour of the adjournment please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the yeas have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Call in the senators.

Whips, please decide on the length of the bell.

Senator Di Nino: It will be a one-hour bell.

The Hon. the Speaker pro tempore: Is it agreed, whips, that the bell will be one hour?

Senator Munson: I have no choice. I wanted 30 minutes.

The Hon. the Speaker pro tempore: The vote will be at 6:30 p.m.

Do I have permission to leave the chair?

Some Hon. Senators: Agreed.

• (1830)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Ataullahjan
Boisvenu
Braley
Brazeau
Brown
Carignan
Champagne
Cochrane
Comeau
Cools
Demers
Di Nino
Dickson

LeBreton
MacDonald
Manning
Marshall
Martin
McCoy
Meighen
Mockler
Nancy Ruth
Neufeld
Ogilvie
Oliver
Patterson
Plett
Poirier

Duffy
Eaton
Finley
Fortin-Duplessis
Frum
Greene
Housakos
Johnson
Kinsella
Kochhar
Lang

Raine
Rivard
Runciman
Segal
Seidman
Stewart Olsen
Stratton
Tkachuk
Wallace
Wallin—51

NAYS
THE HONOURABLE SENATORS

Baker
Banks
Callbeck
Campbell
Carstairs
Chaput
Cordy
Cowan
Dallaire
Dawson
Day
De Bané
Downe
Dyck
Eggleton
Fairbairn
Fox
Fraser
Furey
Harb
Hubley

Jaffer
Joyal
Losier-Cool
Lovelace Nicholas
Mahovlich
Massicotte
Mercer
Merchant
Mitchell
Moore
Munson
Pépin
Peterson
Poulin
Poy
Ringuette
Robichaud
Rompkey
Tardif
Watt
Zimmer—42

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I ask that we not see the clock. I know honourable senators have other priorities in life and therefore, I take it upon myself to ask my colleagues on this side to keep any remarks they might have to an absolute minimum. I have been given fairly good assurances on that, so I wonder if we could not see the clock.

• (1840)

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. Senators: Agreed.

INTERNAL ECONOMY, BUDGETS AND
ADMINISTRATION

COMMITTEE AUTHORIZED TO MEET DURING
SITTING OF THE SENATE

Hon. David Tkachuk: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Committee on Internal Economy, Budgets and Administration have power to sit at 3 p.m. on Wednesday, December 15, 2010, even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted to allow the senator to move the motion?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave having been granted, the motion is made.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL SECURITY AND DEFENCE

MOTION TO ENCOURAGE THE MINISTER
OF NATIONAL DEFENCE TO CHANGE
THE OFFICIAL STRUCTURAL NAME
OF THE CANADIAN NAVY—
FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on National Security and Defence (*Motion No. 41 — official structural name of the Canadian Navy*), presented in the Senate on December 13, 2010.

Hon. Pamela Wallin moved the adoption of the report.

The Hon. the Speaker: Is there any debate on this item?

Are honourable senators ready for the question?

An Hon. Senator: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE SENATE

MOTION TO RECOGNIZE DECEMBER 10 OF EACH YEAR AS HUMAN RIGHTS DAY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Mercer:

That the Senate of Canada recognize the 10th of December of each year as Human Rights Day as has been established by the United Nations General Assembly on the 4th of December, 1950.

Hon. Consiglio Di Nino: Honourable senators, I wish to take just a few moments of your time to add some brief comments in support of this motion.

Senator Jaffer's motion seeks to make December 10 of each year Human Rights Day. This was established by the United Nations General Assembly on December 4, 1950. This day has been recognized by the international community to commemorate the Universal Declaration of Human Rights.

The Universal Declaration of Human Rights sets out 30 basic principles that provide inalienable human rights to every man, woman and child on the globe. No one is exempt and human rights have no borders. However, while the universal declaration has been successful in promoting the issue of human rights worldwide, it does have its limitations. Some of these limitations are highlighted by Senator Jaffer in the several well-documented examples of individuals who have had these inalienable rights denied by their governments.

Honourable senators, there are many initiatives and events in Canada which regularly celebrate human rights, including the John Humphrey Award to honour one of the creators of the Universal Declaration of Human Rights, a Canadian.

Canada has been a world leader in the promotion and protection of human rights. It is fitting that December 10 be declared Human Rights Day.

(On motion of Senator Andreychuk, debate adjourned.)

MOTION TO ESTABLISH NATIONAL DAY OF REMEMBRANCE AND ACTION ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Robichaud, P.C.:

That in the opinion of the Senate, the government should establish a National Day of Remembrance and Action on Mass Atrocities on April 23 annually, the birthday of former Prime Minister Lester B. Pearson's, in recognition of his commitment to peace and international cooperation to end crimes against humanity.

Senator Tardif: Question.

The Hon. the Speaker: Are honourable senators ready for the question? Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

MOTION TO SUPPORT THE ESTABLISHMENT OF A FEDERAL PUBLIC SAFETY OFFICERS' SURVIVORS SCHOLARSHIP FUND ADOPTED

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Runciman, seconded by the Honourable Senator Stewart Olsen:

That in the opinion of the Senate, the government should consider the establishment of a tuition fund for the families of federal public safety officers who lose their lives in the line of duty and that such a fund should operate along the lines of the Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund, in place in the province of Ontario since 1997.

Senator Tardif: Question.

Senator Comeau: Question.

The Hon. the Speaker: Are honourable senators ready for the question? Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

[Translation]

ABORIGINAL AFFAIRS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Brazeau calling the attention of the Senate to the issue of accountability, transparency and responsibility in Canada's Aboriginal Affairs.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with respect to Inquiry No. 10, I would like to inform you that I have not yet finished preparing my notes. I would like to adjourn the debate in my name for the remainder of my time.

(On motion of Senator Comeau, debate adjourned.)

[English]

THE SENATE

MOTION TO URGE GOVERNMENT TO REVERSE ITS DECISION TO REPLACE THE NATIONAL LONG-FORM CENSUS—DEBATE ADJOURNED

Hon. James S. Cowan (Leader of the Opposition), pursuant to notice of October 28, 2010, moved:

That the Senate, recognizing that the National Long Form Census is an irreplaceable tool for governments and organizations that develop policies to improve the well-being of all Canadians, urge the Government of Canada to reverse its decision to replace the long form census with a more costly and less useful national household survey.

He said: I do have my remarks ready and know honourable senators are anxious to stay this evening and hear me on this, but I will tantalize honourable senators just a little longer and would like to reserve my right to speak at the next sitting.

(On motion of Senator Cowan, debate adjourned.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Bill Rompkey, pursuant to notice of December 13, 2010, moved:

That, the Standing Senate Committee on Fisheries and Oceans, which was authorized on Thursday, March 25, 2010 to examine and report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans, be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate an interim report, on Canadian lighthouses, by December 23, 2010, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

The Hon. the Speaker: Is there any debate on this item? Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Art Eggleton, pursuant to notice of December 13, 2010, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to sit on Thursday, December 16, 2010, even though the Senate may then be adjourned for a period exceeding one week.

He said: Senator Ogilvie, the deputy-chair of the committee, has an amendment that I support.

The Hon. the Speaker: I have to get the question on the floor first. It was moved by the Honourable Senator Eggleton, seconded by the Honourable Senator Watt, that the Standing Senate Committee on —

Some Hon. Senators: Dispense.

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I will follow the lead of the distinguished leader opposite and stifle the speech that I had prepared on this important matter and will take it up with honourable senators at a later date.

MOTION IN AMENDMENT

Hon. Kelvin Kenneth Ogilvie: Therefore, honourable senators, I move the following amendment:

That the motion be amended by replacing all the words "Thursday, December 16, 2010" with the following:

"Wednesday, December 15, 2010 at 5:00 p.m. and on Thursday, December 16, 2010 at 9:00 a.m."

The Hon. the Speaker: Honourable senators, it has been moved in amendment by Senator Ogilvie, seconded by the Honourable Senator Frum, that the motion be amended by replacing —

An Hon. Senator: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure to adopt the motion as amended?

Hon. Senators: Agreed.

The Hon. the Speaker: Carried.

(Motion, as amended, agreed to.)

(The Senate adjourned until Wednesday, December 15, 2010, at 1:30 p.m.)

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(HANSARD)

Wednesday, December 15, 2010



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, December 15, 2010

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

December 15, 2010

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, will proceed to the Senate Chamber today, the 15th day of December, 2010, at 4:15 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours Sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the House of Commons
Ottawa

[English]

SENATORS' STATEMENTS

THE SENATE

AUDIT REPORTS

Hon. David Tkachuk: Honourable senators, at our own initiative, the Senate has brought in outside auditors to look at different aspects of our operations.

Over the next few years, we will receive the results of these audits as they are undertaken and completed. Last year, three audits were completed.

The *Annual Report on Internal Audits, 2009-2010* that I will table shortly, presents these three internal audit reports in their entirety, as prepared by the auditors from Ernst & Young, together with summary management responses.

The first audit covered service contracts, including financial and management controls over procurement and contracting processes for all personnel services, consulting and legal service contracts.

The Senate's management has made corrections to ensure that contract files are properly documented and to allow processing of legal service contracts through Senate contracting. Policy and guideline improvements are under development.

The second internal audit reviewed Senators' office expenditures, including travel, living expenses, and research and office budgets. That audit has resulted in many corrections and changes, and senators' office expenditures will now be reported publicly.

Time frames for submitting certain expense claims have been tightened.

The third internal audit reviewed the job classification functions for employees of the administration, noting that effective controls and many effective management practices are in place.

Again, our Senate management has begun corrective actions such as establishing a cyclical job description review process and properly documenting files.

The findings in these three audits, where not particular to our unique environment, are not uncommon in similar audits of government departments and agencies.

Senators, your Standing Committee on Internal Economy, Budgets and Administration is encouraged by the usefulness of the 2009-10 audits, and is committed to further implementing a strong audit function within the Senate.

I thank honourable senators who previously served on the Internal Economy Committee who had begun this process; specifically, Senator Furey and Senator Stratton, who had worked with their colleagues to begin this audit process and to begin this new era of transparency. Their leadership should be commended.

THE LATE ALAN H. HOLMAN, O.C.

Hon. Catherine S. Callbeck: Honourable senators, today I pay tribute to one of Prince Edward Island's most outstanding citizens, who died earlier this month at the grand old age of 95.

Alan Holman was a respected business person, community leader and devoted family man. For 30 years, he served as president of a family retail firm, which was established by his grandfather in 1857. R.T. Holman Ltd. was known widely throughout Prince Edward Island and the other Maritime provinces. The firm pioneered many innovations, attracted loyal customers and was a thriving business. Under the presidency of Alan Holman, it continued to be a progressive and dynamic company.

Mr. Holman was the driving force behind the establishment of Confederation Court Mall, which made a significant contribution to the revitalization of downtown Charlottetown.

Mr. Holman was also a visionary community leader. He was one of a small group of people who played a leading role in the establishment of the Confederation Centre of the Arts, completed in 1964 to commemorate the one hundredth anniversary of the meeting of the Fathers of Confederation in Charlottetown. He twice served as chair of the board, and made an outstanding contribution to the centre's growth and development over the years. The Confederation Centre of the Arts today is one of the premier arts and cultural institutions in this country.

A veteran of the Second World War, Mr. Holman was a proud Canadian who served his country with distinction. In 1980, he was made an Officer of the Order of Canada in recognition of his contributions to the business and arts communities.

Mr. Holman was active in his church and community, and the strength of his character became an inspiration to all who knew and admired him. He took great pride in his family, who now mourn the loss of a much loved father, stepfather, grandfather and great-grandfather.

I ask all honourable senators to join with me in expressing our sympathies to the family of the late Alan Holman.

HEALTH CARE

Hon. Fred J. Dickson: Honourable senators, I rise in the chamber today to address a priority of mine and many Canadians — health care. Canadian health care, if it were a corporation, would be amongst the biggest in the world. According to an article by Rachel Mendleson, Canada's health care would be third on the Fortune 500 list behind the oil giants Exxon Mobil and Chevron. She describes health care as the worst run industry in Canada. She sets aside the myth held by most Canadians that the problem is rooted in inefficient funding, demographic overload or corporate profiteering.

Based on the opinion of economists, policy analysts and doctors, the real issue is mismanagement — horrible, pervasive inefficiency. A number of non-governmental organizations, public policy organizations, think tanks and health advocates have been calling for an adult conversation on what type of health care we want throughout our lives and how it will be delivered.

Among those calling for a frank discussion on our health care future is the Honourable Michael Kirby and the Right Honourable Brian Mulroney, who offered ideas as to what could be discussed. Among those ideas was a need to accelerate the rate of primary care reform and eHealth records, of which I will say more later.

• (1340)

I congratulate the Canadian Medical Association, which initiated a national dialogue on the future of health care by unveiling a new website on Monday, www.healthcaretransformation.ca. This initiation will also include a series of consultations across the country beginning in the new year.

Dr. Jeff Turnbull, the current president of the CMA, said the following, with which I agree:

First and foremost, Canadians deserve a health care system that puts patients first and that will be sustainable over the long term. Their voices need to be heard.

Honourable senators, a patient-focused health care system is imperative to the success of health care delivery in Canada. Governments, within their areas of responsibility, need to rethink and redesign how health care is delivered. One of the health care action steps I will be taking in the new year will be to try to focus decision makers on primary care reform. Alan Weil, Executive Director of the National Academy for State Health Policy, said:

The big push these days is around primary care, really coordinating care to assure that you get the preventative services you need."

There is a huge amount of interest in prevention and engaging the public to take better care of themselves.

Dr. Judy Monroe, Indiana's Health Commissioner, identified three levels of prevention: primary prevention, which is preventing something from ever happening; secondary prevention, which is diagnosing the condition early and treating it early with medication or lifestyle changes; and tertiary prevention, which is disease management.

Prevention provides more effective health care outcomes and, in fact, if decision makers do not focus on prevention, we will never be able to contain costs.

An article in the *Journal of the American Medical Association* often cited to support the point that prevention is a key to cutting health care costs is entitled: "Bending the Cost Curve: A Critical Component of Health Care Reform." This article, by Stephen M. Shortell, Dean and Professor of the School of Public Health at the University of California, Berkeley, said that disease prevention initiatives aimed at nutrition, physical activity, tobacco use and lifestyle changes will have the greatest impact on bending the health care curve. These factors have the largest influence on reducing the future burden of disease, particularly when it comes to obesity and what follows: diabetes, heart disease and cancer.

Another area of concern related to my action steps on health care is the program of electronic health records, specifically the Canada Health Infoway. I will be having discussions with the steering committee of the Standing Senate Committee on National Finance to consider eHealth in Canada, the cost and benefits, as well as the experience in other jurisdictions.

Honourable senators, none of the solutions for how health care is delivered are impossible, but putting them into practice depends upon overcoming entrenched interests and political inertia. We, as representatives of the public in this chamber, have the responsibility to put aside partisanship and ideology and seek consensus on essential issues such as health care.

AFGHANISTAN

HUMAN RIGHTS OF WOMEN AND CHILDREN

Hon. Mobina S.B. Jaffer: Honourable senators, I rise before you today to shed light on the importance of empowering women in Afghanistan.

This past Friday, the Honourable Minister Lawrence Cannon stated that Canada would mark December 10 as International Human Rights Day. He stated:

Canada supports the Government of Afghanistan and Afghan civil society organizations in their efforts to promote and protect human rights, especially those of women and children. Canada consistently raises human rights issues such as freedom of expression and women's rights with the Government of Afghanistan.

I would like to commend Prime Minister Harper and Minister Cannon for showcasing Canada's commitment to the protection and promotion of human rights at home and abroad. However, I believe that it is important to recognize that the situation for women and children in Afghanistan is still particularly volatile.

As we reconfirm our commitment to championing human rights, I believe it is important that we reflect upon the great work that is being done and that needs to be done in Afghanistan. Although many development organizations have been working tirelessly on promoting and protecting the rights of women and children in Afghanistan, there is one organization that is particularly close to my heart.

The Aga Khan Development Network is one of the world's largest private development networks, and with the support of its donors and partners it has channelled over US\$700 million toward Afghanistan's reconstruction.

The Aga Khan Development Network has established several programs in Afghanistan focusing on health, infrastructure rehabilitation, education, micro-finance and large-scale rural development. Not only do these initiatives help create a more stable and secure environment for the Afghan people, they also provide a beacon of hope for young Afghan girls who would otherwise be destined to a life of domestic labour.

Honourable senators, 23 years of war has destroyed Afghanistan's infrastructure and has further increased the illiteracy rate. I strongly believe that by educating women we are empowering them in an important way, for we are providing them with the ability to fight for their rights. As various Aga Khan Development Network projects have demonstrated, investing in the health and education of women and girls will help usher peace into countries that have been plagued by war.

The head of this organization, His Highness Prince Karim Aga Khan, who recently celebrated his seventy-fourth birthday, stated in an interview earlier this week:

I have always taken the attitude that it is better that the work should speak rather than the individual.

Your Highness, your work speaks volumes.

I urge honourable senators to join me in commending our Prime Minister, Minister Cannon, and His Highness the Aga Khan for their ongoing commitment to empowering women and girls, not only in Afghanistan but around the world.

[Translation]

AUNG SAN SUU KYI

HONORARY CITIZENSHIP

Hon. Consiglio Di Nino: Honourable senators, I would like to read a personal message from Aung San Suu Kyi:

I hope you will excuse me for not having sent a proper speech, or even a video, but I was only informed of this ceremony late last night.

I deeply appreciate the award of honorary Canadian citizenship, both for myself and because it symbolizes the help that Canada has given my people. Canada has never faltered in its support for the democracy movement in Burma, for which I am very grateful.

I would particularly like to thank the generosity of the government for taking in so many Burmese refugees and the help that they have received when they arrived.

[English]

A good example of Canadian generosity is the recent donation to the victims of cyclone Giri in Western Burma, which has scarcely impinged on the consciousness of the outside world.

I have always felt a particular closeness to Canada because of my French Canadian mother in law, Josette Vaillancourt who was always proud to be Canadian and always kept her Canadian passport though living in England for 60 years. I am also aware of the history of the Vaillancourt family's efforts to foster good relations between the peoples of Canada, something that I have always advocated for Burma. . . . Finally I look forward very much to the day that conditions in Burma will allow me to be free to visit Canada myself and thank the Canadian people in person.

Thank you very much.

In response, I say to *Aung San Suu Kyi* thank you and good luck in your efforts to promote democracy in Burma. Canadians strongly support you.

[Translation]

COMPETITION BUREAU

Hon. Pierrette Ringuette: Honourable senators, I would like to tell you about another small victory for all Canadians that was announced this morning in a press release issued by the Competition Bureau of Canada:

The Competition Bureau announced today that it has filed an application with the Competition Tribunal, to strike down restrictive and anti-competitive rules

that Visa and MasterCard impose on merchants who accept their credit cards.

Hon. Senators: Hear, hear!

Senator Ringuette:

The Commissioner of Competition alleges that these rules have effectively eliminated competition between Visa and MasterCard for merchants' acceptance of their credit cards, resulting in increased costs to businesses and, ultimately, consumers. Merchants in Canada pay an estimated \$5 billion annually in hidden credit card fees.

The anti-competitive restraints on merchants result in higher prices for all consumers, whether they pay by cash, cheque, debit or credit, because merchants pass along some or all of the high costs they are forced to pay as a result of Visa's and MasterCard's anti-competitive rules.

[English]

Visa and MasterCard's anti-competitive behaviour hurts businesses and consumers alike.

• (1350)

Said Melanie Aitken, Commissioner of Competition:

It is particularly harmful for small and medium sized businesses, key engines for economic growth in Canada. Without changes to the rules, merchants will continue to face high costs for credit card acceptance, while consumers, even those who use lower-cost methods of payment like debit or cash, will continue to pay higher prices.

Visa and MasterCard operate the two largest credit card networks in Canada. Together they processed more than 90 per cent of all credit card transactions by Canadian consumers in 2009, representing over \$240 billion in purchases.

The rules challenged by the bureau prohibit merchants from encouraging consumers to consider lower-cost payment options, like cash or debit, and prohibit merchants from applying a surcharge to a purchase on a high-cost card. Further, once a merchant agrees to accept a Visa or MasterCard card, that merchant must accept all credit cards offered by that company, including cards that impose significant costs on merchants, such as premium cards.

Canada has among the highest credit card fees in the world. Many countries have taken steps to reduce the fees paid by merchants. Canadian merchants that accept Visa and MasterCard credit cards must pay a fee ranging between 1.5 per cent and 3 per cent or more on each purchase — nearly twice as much as their counterparts in Europe, New Zealand and Australia, but slightly less than in the U.S.

By contrast, the card accepted, and processing fees paid, by merchants in the case of an Interac debit transaction, is a flat fee of approximately 12 cents, regardless of the value of the

purchase. To provide a practical example, a 3-per-cent hidden credit card fee on a \$400 set of snow tires is \$12 for the merchant, but if a debit card is used for the same purchase, the fee is 12 cents.

The bureau is challenging Visa and MasterCard rules under the price maintenance provisions of the Competition Act. The bureau launched its investigation in response to complaints by merchants and their associations, and initiated a formal inquiry in April 2009.

Honourable senators, this is a victory, a second one for all consumers and all merchants in Canada, and we shall continue.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

ELEVENTH REPORT OF COMMITTEE TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the eleventh report of the Standing Committee on Internal Economy, Budgets and Administration.

STUDY ON STATUTORY REVIEW OF THE BUSINESS DEVELOPMENT BANK OF CANADA

SEVENTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. Michael A. Meighen: Honourable senators, I have the honour to table the seventh report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Ten-year Statutory Review of the Business Development Bank of Canada*.

(On motion of Senator Meighen, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

STUDY ON GOVERNMENT'S ROLE IN SUPPORTING THE PROMOTION AND PROTECTION OF WOMEN'S RIGHTS IN AFGHANISTAN

SEVENTH REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Nancy Ruth: Honourable senators, I have the honour to table the seventh report of the Standing Senate Committee on Human Rights, entitled: *Training in Afghanistan: Include Women*.

(On motion of Senator Nancy Ruth, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

MAPLE LEAF TARTAN BILL

FIRST READING

Hon. Elizabeth Hubley presented Bill S-226, An Act to recognize the Maple Leaf Tartan as the national tartan of Canada.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Hubley, bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

[Translation]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

VISIT OF SCIENCE AND TECHNOLOGY COMMITTEE,
SEPTEMBER 27-30, 2010—REPORT TABLED

Hon. Michel Rivard: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the visit of the Science and Technology Committee, held from September 27 to 30, 2010, in Paris, Aix-en-Provence and Toulon, France.

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

CONGRESS OF THE ASSOCIATION CANADIENNE
D'ÉDUCATION DE LANGUE FRANÇAISE,
SEPTEMBER 30-OCTOBER 2, 2010—REPORT TABLED

Hon. Rose-Marie-Losier-Cool: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie respecting its participation at the sixty-third Congress of the Association canadienne d'éducation de langue française (ACELF), held from September 30 to October 2, 2010, in Charlottetown, Prince Edward Island.

SEMINAR ON THE ROLE OF WOMEN
PARLIAMENTARIANS IN PROMOTING A GENDER
PERSPECTIVE IN THE PREPARATION OF NATIONAL
BUDGETS AND ON THE IMPLEMENTATION OF THE
CONVENTION ON THE ELIMINATION OF ALL FORMS
OF DISCRIMINATION AGAINST WOMEN,
OCTOBER 6-7, 2010—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie respecting its participation at the seminar on the role of women parliamentarians in promoting a gender perspective in the preparation of national budgets and on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), held on October 6 and 7, 2010, in Lomé, Togo.

SEMINAR ON INCLUDING A GENDER PERSPECTIVE
IN THE PREPARATION OF NATIONAL BUDGETS:
PUTTING IT INTO PRACTICE,
NOVEMBER 4-5, 2010—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian branch of the Assemblée parlementaire de la Francophonie respecting its participation at the seminar on including a gender perspective in the preparation of national budgets: putting it into practice, held on November 4 and 5, 2010, in Bitola, Macedonia.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

VISIT OF THE DEFENCE AND SECURITY COMMITTEE,
AUGUST 30 TO SEPTEMBER 4, 2010—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association concerning its participation at the visit of the Defence and Security Committee, from August 30 to September 4, 2010, in Denmark, Greenland and Iceland.

• (1400)

[English]

QUESTION PERIOD

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. Francis William Mahovlich: Honourable senators, the federal government recently announced plans to purchase 65 F-35 jets to replace the military's aging CF-18 jets. It was announced that the planes would be purchased from Lockheed Martin at a cost of \$16 billion, the most expensive single military purchase in Canadian history.

I understand that we must support the men and women who put their lives on the line for our country every day, and I am not questioning the need for new equipment to help them protect our country. I am, however, questioning the manner in which the federal government has gone about purchasing these jets.

While it is clear that the current CF-18 jets do need to be replaced, experts have publicly stated that they can continue to fly for another eight to nine years, meaning we should not be hasty in making a decision. We have some time to source out the best option for Canada's military while still obtaining the best price.

Given that we have so many top quality aircraft manufacturing companies in Canada, it simply makes sense to have a competition to ensure Canadians get a fighter jet they can be proud of, while still getting the best value for their dollar.

Can the Leader of the Government in the Senate tell us why exactly the government decided not to have an open competition and gave the contract to Lockheed Martin?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. In fact, there was a competitive process conducted under the previous Liberal government when the government of the day joined the consortium to develop this new-age fighter aircraft. This investment, as I and people in the industry have said many times, is a win-win for the Canadian Forces and also for the Canadian economy.

As the honourable senator points out, there are still a few years left on our existing fleet. The forces will be replacing aircraft as soon as these aircraft have reached the end of their lifespan. Honourable senators know that on all major purchases such as this there is a long lead-in period between the actual order and purchase of the aircraft and the delivery.

The F-35 purchase gives Canadian aerospace companies privileged access to approximately \$12 billion in contracts for work on thousands of planes in the F-35 global supply, and that is one of the most important things, honourable senators. I must give credit to the previous government for making us part of this process, but we are part of a group of countries now that will have access to all of the F-35 supply chain and, therefore, all of our Canadian manufacturers can contribute not only to the ones we are purchasing but also to the complete global supply chain.

Senator Mahovlich: I have a supplementary question. Another concern that I have is in relation to jobs. Lockheed Martin is an American company. While I do realize they have facilities in Canada that employ many Canadians, there are no guarantees that any of these Canadians would be employed through this project. Any such guarantees were given up when the deal was signed without competition. How will the government ensure that the jobs created for this specific project will benefit Canadians?

Senator LeBreton: Again, I have to correct the honourable senator. There was a competition that the previous government participated in.

Last week, honourable senators, Ministers Clement and MacKay led a delegation representing over 60 Canadian companies to an F-35 Canadian sustainment conference in Texas. The Canadian industry has shown it can provide the best value and excellent quality, which has already resulted in over \$350 million in contracts for production work, with much more to come. Communities across Canada will see job-creating economic benefits. The F-35 jets will be based in Bagotville and Cold Lake, and we expect our facilities to be able to house all of those jets adequately; and, of course, honourable senators, there are 80,000 Canadian jobs directly employed in the aerospace industry.

To assure the honourable senator that this project will benefit all Canadians, Maurice Guitton, President of Composites Atlantic Limited based in Lunenburg, Nova Scotia, said the following:

We are supporting the program, which will bring us added value to our company, as will advanced technology — as you all know this joint strike fighter is definitely an advanced product — and long-term employment stability in a rural area to those who need more work to stay close to their family.

He said that before the National Defence Committee of the other place on December 9.

Thomas Beach, President of Head Office of Handling Specialty Manufacturing Ltd. in Niagara said:

... I want to express how proud and grateful we are to the Joint Strike Fighter program. It has taken my small business and made us bigger and stronger. ... I don't believe my team would have been able to penetrate the aerospace defence industry the way it has without this relationship and without this program.

He said that to the same committee.

Gilles Labbé, President and Chief Executive Officer, Héroux-Devtek in Longueuil, Quebec:

Héroux-Devtek enthusiastically supports the Government of Canada's decision to purchase the F-35 Joint Strike Fighters. This program, based on a partnership among nine nations, that originated in 1997, will give Canadian companies access to opportunities on the partner fees valued at, up to, around \$12 billion, excluding the maintenance of the aircraft.

Now is the time to integrate the supply chain and make the most of this extraordinary opportunity. Two years from now would be too late.

This is a direct quote from the same committee.

Hon. Wilfred P. Moore: Honourable senators, I have a supplementary question. Last week I asked the Leader of the Government in the Senate to clarify the matter of the industrial regional benefits. At that time, I pointed out to her that the Pentagon stated that the benefits to Canada are \$3.9 billion and her government said \$12 billion. She said, "No, we did not say that. That was Lockheed Martin."

I happen to have some information here from Industry Canada saying that the industrial participation plans outlined and the opportunities available to Canadians is currently valued at \$12 billion. I would like her to explain the discrepancy, please.

Senator LeBreton: I may have missed something, honourable senators, but I do believe that we have talked about the \$12 billion figure. Industry has talked about it. With regard to various reports from various sources, Canada is purchasing the most cost-efficient variant of the F-35 at the peak of its production when the costs are projected to be at their lowest.

The senator did ask a specific question and, as he knows, I referred it to the Department of National Defence for a written response.

Senator Moore: I have a further supplementary question. It was originally indicated that the cost per airplane for Canada would be \$50 million per unit. Last week Minister MacKay, the Minister of National Defence, was in the United States for a photo op, and the price came out at \$140 million per unit. That is almost three times more.

I asked the leader last week if we had a guaranteed price. If it is now \$140 million, almost three times the budget, where will the money come from? We could not be budgeting for a possibility of a three-time increase. That just does not make sense.

• (1410)

Senator LeBreton: Honourable senators, I would hardly suggest that a meeting held in the United States, representing 60 Canadian companies, would be classified as a “photo op.” One does not have 60 Canadian companies participating in an important project like this one only because they want to be part of a photo op. That is insulting to those companies.

With regard to the specific question, as I said last week on all these questions, I have referred them to the department and I will provide the honourable senator with a written response.

Hon. Jane Cordy: Honourable senators, could the leader tell us if a written guarantee is in place as to how many jobs and what percentage of the work will be done in Canada?

Senator LeBreton: Honourable senators, I hate to give Liberals credit for anything, but I believe it was a good decision of the previous government to get in on the ground floor of this consortium. We are not dealing only with the aircraft that the Canadian government is purchasing; Canadian companies have access to the global supply chain in all the countries that will purchase this aircraft.

The committee in the other place heard testimony from representatives of the industry outside of Canada as well as the Canadian industry that should allay any fears. Canadian companies are excellent companies. They are technologically advanced. They are more than capable of competing for these contracts. I think we should have faith in the Canadian industry, honourable senators.

I saw testimony earlier in the year where the defence critic — and, I think he still holds that position — Dominic LeBlanc, was questioning the potential suppliers to these contracts. One of them, which silenced Mr. LeBlanc for a few moments, was from his own riding in New Brunswick and they were receiving contracts on this aircraft.

Senator Cordy: I do have a great deal of faith in the aerospace industry. In Nova Scotia, that industry is developing. We are proud of these people, particularly in Nova Scotia, but all Canadians. That had nothing to do with my question, though.

Perhaps the honourable senator answered my question, but I did not hear it. My question was this: Do we have a written guarantee with the United States as to what percentage of the work will take place in Canada and will be done by Canadian workers in Canada?

Senator LeBreton: I think I answered the question. The answer is that, as opposed to past practices where we would order an aircraft and then have only the work that surrounds the actual number of aircraft that we order, in this case — and I must give credit to the previous government — we joined a consortium that allows Canadian companies to be part of the global supply chain. The proof, honourable senators, is that all these companies and

their workers, especially those in major aerospace industry centres like Montreal and Winnipeg, are saying that they are encouraging the government to participate and to carry through with this contract because 80,000 jobs are involved.

I think we will have to rely on our companies. They have great faith in their ability. We are into a new era. Obviously, the aerospace industry is satisfied with the actions of the government.

Senator Cordy: Is that a “yes”?

Senator LeBreton: It is not a “no.”

Senator Cordy: Not a “no,” not a “yes,” a “maybe.”

TRANSPORT

RAIL FREIGHT SERVICE

Hon. Robert W. Peterson: Honourable senators, my question is for the Leader of the Government in the Senate.

Since 2007, the shippers of grain, oilseeds, pulse crops, forest products, minerals, chemicals, fertilizer, industrial goods and virtually all bulk commodities have complained that railways in this country overcharge and underperform. Two months ago, the Rail Freight Service Review agreed, finding that overall rail freight service is inadequate, largely because market power is concentrated in the hands of the railways. The Conservative government seems content to side with the railways. They are delaying meaningful change by giving these companies three years to fix the service deficiencies.

Honourable senators, nothing is likely to change unless we act. Will this government stand with shippers and begin immediate consultations to force the railways to come up with commercial solutions rather than waiting another three years over which time it is almost certain nothing will happen?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am not in any position to definitively answer the question at this time. I will bring the honourable senator's concerns to the attention of the Minister of Agriculture and Agri-Food and the Minister of Transport, Infrastructure and Communities, and I will provide a written response.

Senator Peterson: Thank you very much.

While the minister is providing that information, I want to point out that this report is an interim report. Could we also use the position of her office to encourage the review panel to remove the three-year window in their final report?

Senator LeBreton: Without addressing the content of the report and adjudicating on any part of it, honourable senators, I will also make the ministers aware of the honourable senator's concern.

Hon. Tommy Banks: Honourable senators, I have a supplementary question to Senator Peterson's question. The best way in our economy to ensure fair pricing is to ensure competitive pricing. I think we would all agree with that. One problem with the railways is that, unlike other one-time publicly supported networks of various kinds, all of which are now obliged to permit competition on their own infrastructure — and here

I am talking about, for example, telecommunications and pipelines, and there are many other examples — the railways have never been required to permit competitive traffic on their main lines. In fact, the railways require that the spur railways that operate on tracks that the main railways have abandoned undertake, before they enter into the use or purchase agreements for those spur lines, to promise that they will never ask for access for their locomotives or rolling stock on the main lines of the main railways.

Will the leader undertake to find out, in response to Senator Peterson's question, whether the government would consider requiring the two Class A railways in Canada that presently operate to permit competitive locomotives and rolling stock on their owned main lines?

Senator LeBreton: Honourable senators, I most certainly will.

The issue of the use of our rail lines has been a complex issue for many years — probably as many years as I have been around this place. I most certainly will add the honourable senator's question to those of Senator Peterson.

[Translation]

CANADIAN HERITAGE

LINGUISTIC DUALITY AT 2015 PAN AMERICAN GAMES

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate.

Madam Leader, on Wednesday, December 1, I asked you a number of questions about the 2015 Pan American Games in Toronto and the agreement between the organizing committee and the federal government.

I shared with her my concerns about the contribution agreement and language clauses to delineate the obligation to ensure true equality of both official languages at the 2015 Pan American Games.

Yesterday, the Commissioner of Official Languages, Graham Fraser, tabled his final report on the Vancouver 2010 Olympic and Paralympic Games. He said:

... official language requirements must be specific and clear to ensure that organizing committees grasp the importance of linguistic duality, understand their official languages obligations and plan adequately.

The Commissioner will publish a guide based on the lessons learned at the 2010 Vancouver Games.

• (1420)

Could the leader indicate to the Minister of Canadian Heritage that it would be a good idea for this guide to be read carefully and used by the funded organizations so that they may plan accordingly? Does the leader not believe that we should ensure

that the funding granted by the federal government for equality of both official languages during the 2015 Pan American Games is truly spent on achieving that equality?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, we were interested to see the report of the Official Languages Commissioner on bilingualism at the Vancouver Olympics. As I have said many times in this place, we made record levels of investment to ensure that both official languages were incorporated into all aspects of the games. The report of the Commissioner of Official Languages, which was released several days ago, stated:

... the positive results of the 2010 Games showed that Canada has set the bar very high for future Olympic organizing committees.

That, to me, was a great compliment to the government and our efforts to ensure that the Official Languages Act was fully respected and implemented at the Vancouver Olympics. As the Commissioner of Official Languages pointed out, the majority of complaints he received were about the lack of official languages at the opening ceremony. That was no surprise to any of us, and we had all joined in to complain about that.

Obviously, the Commissioner of Official Languages has complimented Canada for setting the bar very high, and I will be happy to say to my colleague that the honourable senator expects the same high standards to be followed for all future games, whether they be Olympic, Pan American or any other international games.

[Translation]

Senator Chaput: Honourable senators, could I also ask the minister to ensure that the linguistic clauses in this agreement for the Toronto Games be more specific, better understood and well explained and that the partners' obligations are met? That is what happened during the Olympic Games in Vancouver: the clauses were not specific, not understood and not respected.

Could I ask her to ensure that the minister also ensures that the linguistic duality clauses are understood, explained and respected?

[English]

Senator LeBreton: I must disagree with the honourable senator, because what she has just said is not true about the Olympics in Vancouver. That has been borne out by the report of the Official Languages Commissioner. If we set aside the one egregious example of the opening ceremonies, in all other aspects, whether at the various sites or the facilities, the government invested considerable money and the Commissioner of Official Languages proclaimed himself well satisfied.

It would be a mistake to proceed based on the fact that somehow or other the Olympics in Vancouver did not address and implement all of the important areas required by our Official Languages Act.

Having said that, honourable senators, I will speak to my colleague Minister Moore to ensure that he is aware of the honourable senator's concern that, to quote the Official Languages Commissioner, the same bar set very high will be the goal of not only the Pan American games, but also any other international games we host in this country.

[Translation]

Senator Chaput: Minister, what happened in Vancouver during the opening ceremonies was a direct result of the language clause not being clarified, discussed and understood. That is the point I want to make today. When everything is clear and precise, incidents like the ones during the opening ceremonies can be avoided. I know for certain that some of the key players who were party to the contribution agreement did not understand or were unaware of their responsibilities, and that it happened afterward.

All I am asking of the minister is to ensure that all these responsibilities are understood in the contribution agreements of the federal government, which is providing generous sums of money for linguistic duality. All that I ask is that the money being granted for official languages be indeed spent on linguistic duality. That is all that I ask.

[English]

Senator LeBreton: Again, I will have to disagree with the honourable senator. With regard to the exception at the Vancouver opening ceremonies, we have never had the full explanation as to what happened; at least, I am not aware of one. The various partners understood very well the importance of the Official Languages Act and implemented the requirements to the highest level around the Olympic facilities for which Canada was directly responsible.

There was the one example of the International Olympic Committee and the opening ceremonies. However, I must insist that they not take on more of a life of their own than they should. All of the games, all of the facilities and the high standards we set, as the Commissioner of Official Languages said, met the requirements and more.

Let us not give a black eye to all of the Olympic Games because of one small portion of it, namely, the opening ceremonies, which were hosted by the Olympic committee and were their responsibility.

However, as the honourable senator well knows, after the opening ceremonies, the minister publicly stated that he was concerned and troubled by the lack of official languages at the opening ceremonies, and that is no secret. That was one event, whereas all of the events that went on for two weeks were very successful. Canada's Official Languages Act was fully implemented and understood. As the commissioner just reported, the positive results of the 2010 games show that Canada has set the bar very high for future Olympic organizing committees. That just about says it all.

Some Hon. Senators: Hear, hear.

[Senator LeBreton]

INDUSTRY

LONG-TERM DISABILITY BENEFITS— NORTEL EMPLOYEES

Hon. Art Eggleton: Honourable senators, I realize that I am trying the patience of some of my Senate colleagues by getting up on this Nortel issue every day, but the end of the year is here, Christmas is almost here, and I cannot give up on these people.

I will read a statement from another Nortel employee. This is from Laurie Vowles from Ottawa:

I am bi-polar on the heavily depressed side and have been off work since January 1998. I have been hospitalized several times at the Royal Ottawa for mania. I also have had Hepatitis C for 33 years and am at the point where I now have cirrhosis of the liver. I just found out about it about 5 years ago, so my case is very serious since I've had it for so long. There is a likely possibility of getting liver cancer from this if not treated. I don't know what the treatment costs, I will have no medical coverage, and the treatment is almost worse than the disease, and some people have been known to kill themselves from the depression that comes with the treatment. Therefore, a psychiatrist is trying to help me recover from my depression with new medications so I won't be depressed, to begin with, and, therefore, a likely candidate for suicide.

After I get over my depression, the doctors plan to give me the interferon treatment, but how can I pay for it and the meds I need for my depression right now? This is very serious, PLEASE pass Bill S-216, I pray that you do. I have no idea what will happen to me if you don't. As well as others like me, who need this bill passed, what will happen to people like me in the future when this happens to them?

• (1430)

In today's *Ottawa Citizen*, there is an article entitled: "Nortel pensioners thrown to wolves." This is not on the social justice page but on the business page. The author expresses concern about this issue. He says that the bankers, bond fund managers and business lobbyists received good news when the government defeated the bill. He goes on to say:

But the Conservatives insisted they appreciate the difficult challenges of Nortel pensioners — the crocodile tears bathed Parliament Hill — and said they were working to get some cash into their hands. They weren't saying more. . . .

Christmas is almost here. Honourable senators have just heard testimony from someone who will not be able to get her medications after the end of the year. Will the government do something to ensure these people will get the medicines they need to keep them alive?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I have said before, no one takes any joy out of the situation in which Nortel pensioners find themselves.

I understand the honourable senator reading into the record the situation these people face.

I am not completely familiar with the type of system or with this particular individual. We do have a very good health care system in Canada. I find it hard to understand why our health care system would turn its back on this individual, because I have never heard of anyone who required medical attention who was denied medical attention. I would have to know more of the specific details.

Honourable senators, there is nothing that I can say, that Senator Eggleton can say, or that any of us can say that will take away from the fact that this situation with Nortel, participated in by employees of Nortel, is a result of a court-ordered settlement.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, the time for Question Period has been exhausted. Before calling for delayed answers, I would like to draw your attention to the presence in the gallery of our distinguished former colleague, the Honourable Senator Lorna Milne.

On behalf of all honourable senators, welcome back to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed answer to an oral question raised by Senator Tardif on December 1, 2010, concerning the census.

INDUSTRY

2011 CENSUS

(Response to question raised by Hon. Claudette Tardif on December 1, 2010)

The government has indicated its intention to introduce a bill to amend the Statistics Act. This amendment will allow the transfer of National Household Survey (NHS) records from Statistics Canada to Library and Archives Canada for genealogical and historical research, as fully consistent with the current practice as regards census records. The records of those who consent to the release will be made available to the public in 2103, 92 years after the taking of the 2011 National Household Survey. Records would not be made available if the individual did not consent. A question on consent to make information available to the public in 92 years is on the NHS questionnaire.

[English]

ORDERS OF THE DAY

SUSTAINING CANADA'S ECONOMIC RECOVERY BILL

THIRD READING

Hon. Elizabeth (Beth) Marshall moved third reading of Bill C-47, A second Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures.

She said: Honourable senators, I appreciate the opportunity today to speak to Bill C-47, also known as sustaining Canada's economic recovery act, at third and final reading in the Senate.

Before I continue, let me first thank the Standing Senate Committee on National Finance for its swift consideration of this important legislation, legislation that will help ensure Canada's continued economic recovery. Indeed, Canada's recovery has been one of relative strength compared to other industrialized countries. For instance, when it comes to Canada's fiscal situation, we are a global leader. Our deficit and debt-to-GDP levels are among the lowest in the industrialized world. More significantly, they are projected to remain low going forward. In fact, Canada's fiscal situation remains one of the strongest by international standards.

The International Monetary Fund projects that Canada's total government net debt-to-GDP ratio will only be around 32 per cent in 2015, a mere one third of average debt-to-GDP ratio burdens facing G7 countries.

As credit rating agency Standard & Poor's noted earlier this year when they reaffirmed Canada's top-quality borrower status, they stated:

The ratings on Canada reflect our opinion of the country's strong public finances, its relatively diversified economy, the stability of public policy and its financial sector's soundness. . . . Of the other G7 countries . . . Canada is posting the best fiscal results. . . . Canada . . . is now well positioned to continue to outperform as macroeconomic conditions improve.

However, Canadians do not rest on their laurels. As the English poet Percy Bysshe Shelley once wrote, "Nothing wilts faster than laurels that have been rested upon."

That is why we continue to focus on our economy and address the challenges of the global economic turmoil through the economic recovery act.

The act is a key component of *Canada's Economic Action Plan*, as it will legislate many key elements of Budget 2010. Canada's economic recovery act will provide real benefits for families, consumers, businesses and taxpayers by indexing the Working Income Tax Benefit; improving the Registered Disability Savings Plan; further strengthening federally regulated pension plans; cutting red tape for registered charities, businesses and taxpayers; closing down tax loopholes; improving the complaint process for consumers when dealing with banks; and much more.

In my remaining time, I would like to highlight a few key elements of this act.

Honourable senators, as we are all aware, in Budget 2010 the government launched a more aggressive, proactive and forward-looking approach to protecting Canadians who purchase financial products. Earlier this year, for example, the government gave the Financial Consumer Agency of Canada new responsibilities to provide valuable and timely information to the government on financial consumer trends and emerging issues. The Financial Consumer Agency of Canada will also continue to ensure that federally regulated financial institutions provide the required disclosures to consumers.

Canada's economic recovery act proposes to go further in protecting consumers of financial products. Specifically, it proposes to amend the Bank Act to strengthen the consumers' complaint handling framework and explicitly requires banks to belong to an approved complaint-handling body. The Financial Consumer Agency of Canada would oversee the third-party complaint-handling body. It will also ensure the establishment of standardized regulatory standards for institutions' internal complaints procedures. This will ensure fair, efficient and timely treatment of complaints that consumers deserve, while also improving the effectiveness of the third-party dispute resolution process.

As users of financial services, Canadian consumers have a significant stake in almost all financial sector issues. Consumers' needs must be monitored and their interests protected. We will continue to remain vigilant to ensure that our financial system stays competitive and consumers receive the highest possible standard of service. All Canadians will benefit from the actions we are taking and the additional information we are providing to help them decide which financial products are best for them. We will continue to exhibit the leadership, discipline and tough choices that have put us on the right track to recovery.

Honourable senators, Budget 2010 also introduced a number of key strategic measures to enhance competition and reduce barriers for business. This included making Canada a tariff-free zone for manufacturers by eliminating all remaining tariffs on productivity-improving machinery and equipment, and goods imported for further manufacturing in Canada.

• (1440)

This important initiative will be a significant incentive for our manufacturing sector. It is estimated that this commitment will create 12,000 jobs, diversify trade and boost Canada's manufacturing sector, as well as overall productivity.

Likewise, the Sustaining Canada's Economic Recovery Act will help Canadian public companies more easily integrate into the global marketplace.

As we know, beginning in 2011, the Accounting Standards Board will require that Canadian public companies adopt International Financial Reporting Standards, IFRS. Budget 2010 indicated that, in preparation for the adoption of these

standards, the government will review the impact of the new accounting standards on certain aspects of the tax system and, where necessary, make changes to ensure appropriate outcomes. Accordingly, the Sustaining Canada's Economic Recovery Act proposes important transitional measures to ensure that the effect of the introduction of the IFRS is phased in appropriately.

Measures in Budget 2010 also promoted green energy by encouraging investments in clean energy generation. Canada's tax system includes an accelerated capital cost allowance to help businesses invest in generation equipment that conserves energy or relies on renewable or waste sources.

The Sustaining Canada's Economic Recovery Act expands the scope of that tax incentive to assets used in heat recovery and clean energy distribution across a broader range of applications. These extensions will encourage investment in technologies that contribute to a reduction in greenhouse gas emissions and air pollutants and increase the diversification of Canada's energy supply.

Canada's energy industry is of vital importance, and we are committed to encouraging investment in clean energy generation technologies.

In Budget 2010, we also promised to close unfair tax loopholes to make our tax system fairer for Canadian families and to stay the course of reducing taxes for Canadian businesses to stimulate economic growth and job creation.

We are working actively with our international partners to combat international tax evasion, in particular by entering into agreements to share tax information with other countries and by devoting more of Revenue Canada's resources to tax audits.

In October, Canada signed an agreement in Switzerland that will further facilitate the exchange of tax information with that country, assisting Canada's tax authorities in administering and enforcing national tax laws and helping to prevent international tax evasion.

Another measure, consistent with the objective of tax fairness, was announced in Budget 2010 and related to the taxation of stock options, a measure included in the Sustaining Canada's Economic Recovery Act. Specifically, the proposed measure will change the taxation of stock option cash-outs to address aggressive tax planning practices. In some cases, such aggressive practices allowed a portion of the stock options to escape taxation at both the personal and corporate levels. Closing this tax loophole is the right thing to do. It is little wonder that it has been well received among Canadians.

In the words of noted public policy commentator and co-founder of the Dominion Institute, Ruddyard Griffiths:

... the Conservative's snipping of a raft of erroneous tax loopholes met with near universal applause, and rightfully so. ... Closing tax loopholes makes good financial and political sense.

As Greater Kitchener Waterloo Chamber of Commerce President and Chief Executive Officer Joan Fisk has also stated:

... closing a tax loophole allowing both companies and employees to receive deductions when cashing out stock options is ... positive. I don't particularly think it served the greater good of the country.

All in all, this measure will promote fairness in the tax treatment of stock options and will better ensure tax fairness in this country. By closing loopholes in the tax system, we will help ensure all taxpayers pay their fair share of taxes on income earned in Canada and abroad.

Ensuring that taxpayers pay their fair share of taxes means we can keep taxes low. Indeed, our government believes Canadians have a right to keep more of the money they earn and to decide for themselves how and where to spend it.

Lower taxes are helping to ease the financial pressure on individuals, families and businesses, and are helping to build a solid foundation for future economic growth. We have introduced significant new personal income tax reductions that have provided relief, particularly for low and middle income Canadians, as well as measures to help Canadians save.

For example, we introduced the landmark Tax-Free Savings Account. This flexible, registered, general-purpose account has allowed Canadians to watch their savings grow, tax-free. It was the first account of its kind in Canadian history and has proved extremely popular since its initial introduction.

Indeed, a recent Investors Group report showed that the Tax-Free Savings Accounts continue to gain popularity as a savings and investment tool for Canadians, with nearly half of those Canadians surveyed indicating they have opened a Tax-Free Savings Account.

However, a few individuals sought out aggressive tax planning schemes related to Tax-Free Savings Accounts to avoid paying taxes. Specifically, last year, the government became aware of inappropriate transactions occurring in a small minority of Tax-Free Savings Accounts, involving techniques to shelter the return on capital from income tax beyond the intended scope of the Tax-Free Savings Accounts limits.

Accordingly, last October, the government announced quickly modifications to the Tax-Free Savings Accounts rules to respond to this emerging issue.

The proposed amendments as contained in this bill will make any income attributable to deliberate over-contributions and prohibited investments subject to existing anti-avoidance rules in the Income Tax Act. The amendments will also make any income attributable to non-qualified investments taxable at regular income rates and ensure that withdrawals of deliberate over-contributions, prohibited investments, non-qualified investments or amounts attributable to swapped transactions or of related investment income from a Tax-Free Savings Account do not

create additional Tax-Free Savings Account contribution room, and effectively prohibit asset transfer transactions between Tax-Free Savings Accounts and other accounts.

In the words of Jamie Golombek, Managing Director, Tax and Estate Planning, CIBC Private Wealth Management:

... for the average everyday Canadian who is putting \$5,000 a year into a TFSA, these changes will be of absolutely no interest. It is a group of highly sophisticated traders and investors who are exploiting the rules. It is not a lot of people, but the people who do it have huge opportunities for tax-free gains. Again, this is targeting people making enormous amounts of over-contribution.

Without a doubt, the government's improvements to the Tax-Free Saving Accounts rules responded quickly to schemes undertaken by a handful of individuals, which had the potential to avoid unfairly the limits on Tax-Free Savings Account contributions, and shelter large amounts of investment capital.

These proposals will ensure that the Tax-Free Savings Accounts remain viable and strong for Canadians today and in the future and that the use of inappropriate transactions to draw excessive benefits is avoided.

These measures are only a few of the key and vital measures in the Sustaining Canada's Economic Recovery Act.

Honourable senators, the global economy remains fragile and, as a trading country, Canada is not unaffected by the difficulties on those who import our goods and services. That is why our government will remain focused on helping those hardest hit by the economic downturn by finishing the implementation of the action plan and helping to create and protect jobs. It is clear that this government is showing the leadership that Canadians expect during difficult times. We are helping Canadians weather the storm, reducing the cost of government and positioning the economy for growth in the years ahead. These measures are especially impressive relative to the position of other countries, especially the United States.

Great progress has been made in combating the unprecedented global recession in Canada and around the world. Given the importance of the measures in the Sustaining Canada's Economic Recovery Act, I ask all honourable senators to give this act and our economy the support it deserves.

Hon. Joseph A. Day: I remind honourable senators that this is Budget Implementation Act No. 2. I thank and congratulate the Honourable Senator Marshall, the sponsor of the bill, for her speech given at third reading of this Bill C-47. I have been somewhat concerned that we have not been, over the past few days, hearing speeches at third reading. That was a comprehensive speech and, as a result, I can reduce the number of points that I wanted to comment on.

I have only two or three observations about what transpired during our hearings with respect to this particular matter about which honourable senators may wish to be informed.

• (1450)

One of the points raised was the different coming-into-force dates of the various subject matters dealt with by this particular bill, and that is a point we will be pursuing as we proceed with other hearings on this particular matter. Typically, when dealing with one area of subject matter, the coming into force is normally a specified date or at the time determined by order-in-council. In this particular instance, there were some specified different dates and some left to order-in-council. That is in part because this particular bill, being a budget implementation bill, deals with a number of different subject matters. The Honourable Senator Marshall referred to several of those different matters.

For the recollection of honourable senators, I remind them that in this bill there are changes with respect to the CATSA tax on air travel, in addition to the ones talked about. Senators will recall that last year we dealt with the decision of the government to raise an additional \$1.5 billion through air traveller taxes. There are some other changes in that regard, but this reminds us that there is quite a bit of money being collected by the Canadian Air Transport Security Agency in relation to air travel by individual travellers.

There is the point with respect to employee stock options and the changes that are taking place there. So many of these rules are for so few people, but that has been well explained by Senator Marshall and I will not go into that further.

I believe there is generally positive acceptance of the relief to charities with respect to the expenditure rules in existence because of the downturn in the economy and a lot of charities having lost a significant amount of their investment capital. Some adjustments were welcomed and it is good to see the government has responded in that regard and we should be supportive of that.

The capital cost allowance for television set top boxes is one of the items I find quite interesting to appear in a budget implementation bill in this economic downturn period, but it is there.

Honourable senators, those are just some of the points and new accounting rules. There is relief for insurance companies with respect to the new international rules. Since trade and investment are so international, the new international rules coming into place mean that the establishment of similar rules for different countries in the trading world is a welcome decision. Why the insurance companies, in particular, needed relief is another issue that will have to be pursued.

There are also new provisions with respect to employee life and health trusts. Some companies are creating trusts to provide for health and life insurance provisions for their employees, and there is some concern about possible abuses in that regard, so there is some tightening up of the rules.

The other area I want to talk about is with respect to the Registered Disability Savings Plan. We had a very good session with Bank of Montreal financial services personnel, who agreed to come to talk to us. It is an excellent plan that was introduced two years ago, in 2008, to provide for some security and long-term financial predictability for disabled persons. The

concept is a good one. This act provides for certain changes. I will go through some of the changes and some of the rules that have been developed with respect to this program, just to give a bit of flavour of what we are dealing with.

Budget Implementation Act No. 2 provides that balances in Registered Retirement Savings Plans and registered investment programs for those over the age of 71 whose RRSP has been converted into a Registered Disability Saving Plan of a disabled child whom they were supporting, for example, providing a tax-free rollover for a deceased person who had one of those programs. That is a good concept, but when looking at the rules one starts to wonder about this, and I will get to that.

The proposed Canada disability savings act would allow the opportunity to carry forward unused grants and bonds. Grants and bonds are provided for, and I will go through the rules so honourable senators understand.

There are two types of grants and bonds with respect to the Registered Disability Savings Plans.

In order to have the grant or bond, a person must be under the age of 50 and must also qualify for a disability tax credit. If one qualifies for a disability tax credit, is under 50 years of age and has created one of these programs, one can get up to \$3,500 a year and a grant can be paid into the program to the individual for up to a lifetime maximum of \$70,000. This is achieved by contributing at least \$1,500.

Honourable senators, with all those figures in mind, today's threshold for someone who qualifies, if supported by their family and under 18, is \$82,000. If it is over that, they are into a different program and then can contribute \$1,000 per year and can get \$1,000, up to a maximum limit of \$20,000.

I hope senators are taking notes, because we found it quite an interesting session in committee listening to all of these rules.

The bond is paid automatically for the lower income person. In the grant, there are dollar qualifying limits, whether a person has a larger income, a smaller income or a family income. All one must do is create the Registered Disability Saving Plan and they will receive \$1,000 per year from the government, again, up to the maximum of \$20,000. When the beneficiary turns 18 years of age, if they are a child with a disability, then that individual's amount of annual income will be used to assess eligibility.

The disability tax credit eligibility requirement is also interesting in that one has to go to one's medical adviser, have a form filled out and then one has to qualify. The taxable earnings work like a registered educational fund. One puts in after-tax money, so there is not a tax credit after putting the money in, but one pays certain amounts when taking the money out. One pays tax on the growth of the grant and on the growth of the capital, but not on the capital itself. One must also pay tax on the rollover of any RRSPs that go in there.

One question asked was, "Who is accounting? Who is looking after all of these figures that the people have to look after?" I am afraid a financial adviser will say that they are trying to do that, but that means one has to have a financial adviser.

One also must be a Canadian resident and can only establish this program if younger than 60 years of age. The 50 years and the 49 years that I mentioned earlier are only for getting the grants portion. Any RRIF money that goes into the tax deferred will not trigger any grants, so one will have to keep that in mind. You pay full tax on the growth within the RRSP when the money is taken out.

• (1500)

I could go on, honourable senators, about rules and regulations with respect to this one program. One would need not only an accountant but also a financial adviser, and maybe a tax lawyer, to stay onside with this program. In theory, the program is an excellent concept.

Honourable Senator Marshall referred to the problems with the Tax Free Savings Accounts. There have been articles in the newspapers recently about that program. Someone withdrew the money they had contributed earlier in the year, because they needed it for an emergency situation, and then tried to replenish the account, and they were accused of being involved in a tax avoidance scheme.

We have to work sensitivity into these programs that will allow for reasonable facility of use by the people we are trying to help. Tax-Free Savings Accounts are an example of a good idea being sacrificed by bureaucratic over-indulgence, frankly, and this is not the first example that we have seen.

I wanted to take the time to go through this because we heard from good witnesses who spend all their time explaining these rules to people. However, the people they are explaining them to are disabled individuals with low incomes who are not likely to be the sophisticated investors some of the rest of us are. However, these rules apply to them and, therefore, the program may not have nearly as much uptake as would be the case if the program were not so complex.

Honourable senators, that is what we learned in the Standing Senate Committee on National Finance. I wish to thank all those on the committee who participated during the last year. The committee dealt with this bill expeditiously. We received the bill only last week and we have completed our work on it and we are now pleased to report it back for third reading.

The Hon. the Speaker *pro tempore*: Is there further debate?

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

KEEPING CANADIANS SAFE BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Manning, seconded by the Honourable Senator Dickson, for the second reading of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America.

Hon. Tommy Banks: Honourable senators, this is a good bill. American and Canadian enforcement officers have long been cooperating in enforcement of the law on both sides of the border. This bill deals with international waters, mainly, but not restricted to, the Great Lakes. I moved the adjournment of the debate on this bill to assure myself that, at least in the main, the authority that is given in this bill to the Canadian government to empower United States policemen and other enforcement officers to discharge constabulary duties on the Canadian side of the border were being reciprocated, that is, that Canadian enforcement officers, mainly RCMP officers, Canadian Coast Guard officers and Fisheries and Oceans Canada officers would have the same authority to operate on the American side of the border, subject to the provisions in the bill.

I am pleased to tell honourable senators, and I hope that this matter will be discussed in more depth in committee, that it appears, on the basis of the congressional actions that have been taken to give effect to this bill, that the authorities are at least approximately, to the extent that it is possible, commensurate with each other.

This authority is an extremely valuable thing to provide, honourable senators, in order that the combined enforcement teams operating on the border can do their jobs most effectively, particularly with respect to, but not limited to, the Great Lakes.

I join with Senator Manning in urging that we support the passage of this bill at second reading forthwith and send it to committee with the hope that we will pass it into law quickly.

The Hon. the Speaker *pro tempore*: Is there further debate?

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on National Security and Defence.)

CONFLICT OF INTEREST ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Losier-Cool, for the second reading of Bill S-208, An Act to amend the Conflict of Interest Act (gifts).

Hon. W. David Angus: Honourable senators, I rise today to speak to Bill S-208, a private member's bill sponsored by the Honourable Senator Day, who has spoken most eloquently on at least two occasions in this chamber on the amendments he proposes to the Conflict of Interest Act. I do not propose to rehash the arguments and explanations he has given on this rather complicated matter, which deserves, and I hope will receive, further study in committee.

As it is the Christmas season, however, I think it appropriate that I address the matter today because it deals with gifts. This is, of course, the season for giving, and we all know that it is more blessed to give than to receive. We also know, being in the positions in which we are, that we must be careful with gifts when we are in public life. That is true not only for senators and members of Parliament but also for public office-holders. The amendments that Senator Day is proposing have to do with gifts to public office-holders. Honourable senators will be glad to know that does not include us.

However, as it is Christmastime and as there will be many gifts given and received, I think it is appropriate to underline the need for great care, especially for public office-holders.

• (1510)

Honourable senators, the government, in principle, supports the amendment, at least one of the amendments, proposed by Senator Day in Bill S-208. There is some question about the second part of the proposed amendments. One of the reasons we have not been addressing this more aggressively in recent months is because there have been questions and discussions behind the scenes involving Senator Day, members of the bureaucracy and people involved with the legislation, in the hopes that solutions will be found that would obviate the need for our process here.

However, no solution was found, as Senator Day said in his speech, so it would be our hope on the government side that this bill would be referred eventually to the Standing Senate Committee on Legal and Constitutional Affairs for appropriate study.

I would like to make a few observations, though, because this matter deals with the accountability of public office-holders to the people of Canada.

Admittedly, we have debated and discussed rules respecting conflicts of interest in this chamber, as well as in the other place, for some time now. Indeed, it has been debated for decades, and with good reasons.

The government intervenes in all sectors of our economy. It does this in a multitude of ways: through direct control, regulatory agencies, legislation, tariffs and tax policies, and

things that we have heard today in the speeches of Senator Marshall and Senator Day. Canadians need to have the confidence that public office-holders are impartial and that they act with integrity. Canadians need the assurance that their interests come first whenever these elected officials act on behalf of the government.

For many years, the situation was not entirely satisfactory, and it was not until this government came to power that some real substantial changes were made with the implementation — and I do not deny that it was very controversial and heated debate took place at the time — of the Federal Accountability Act. This government thereby took the necessary steps to restore public trust in federal institutions.

The legislation enacted, among other things, the Conflict of Interest Act. I might say that, at the time, a number of amendments were suggested from all quarters, and particularly from Senator Day. Some of those included the amendments that are now being sought to the Conflict of Interest Act in Bill S-208. Those amendments were passed unanimously in this chamber but were rejected in the other place.

Again, being the Christmas season, I used the word “unanimously,” but I might have added “magnanimously,” because we asked for our own independent regime on conflicts of interest and matters of ethics, to run our own affairs. There was a heated debate at that time, and so far be it from us to interfere with the views of the other place on rules designed to cover their acts and omissions. We have our own to worry about.

I would refer honourable senators to our rules, the *Conflict of Interest Code for Senators*. I refer you simply to sections 17(1), (2) and (3), which deal with our gifts and the rules that appertain in the case of senators. Do not be concerned in terms of your personal comings and goings with these amendments being suggested in this particular bill.

Honourable senators, I believe these changes set forth and suggested by Senator Day in his bill, would be a substantial improvement to Canada's accountability regime. The whole Federal Accountability Act and the Conflict of Interest Act came on the heels of more failed attempts to clean up ethics than one would care to remember. The Conflict of Interest Act brought about a number of important changes. There is not time, obviously, today to discuss them all, but let me just mention a few: One, we now have a definition of what constitutes a conflict of interest; two, blind management agreements are no longer permitted, which is a practice I know many of us have fought hard to stop over the years; three, public office-holders are now subject to monetary fines when they are found to have violated certain sections of the act; four, all public office-holders must comply with the act as a condition of their appointment or employment.

As for the matter of gifts, the Conflict of Interest Act puts Canada in a leading position, as compared with our international partners. Compared to other nations that are based on the Westminster model of government, Canada's approach to the disclosure of gifts for public office-holders is indeed robust. The approach not only has a lower threshold for disclosure of gifts

than countries like Australia, New Zealand and the United Kingdom, but it also strikes the appropriate balance between the rights of Canadians to know about certain activities of public office-holders and their personal privacy.

Striking an appropriate balance is the crux of the matter, and is one I hope the committee will eventually find. In short, the Conflict of Interest Act includes a robust and effective regime of substantive and comprehensive requirements for public office-holders.

Honourable senators, Bill S-208 proposes amendments to the gift provisions of the Conflict of Interest Act. We have seen these amendments, as I said here before, and so I will not dwell on them. Today these amendments are back before us once again. Before I get to the detail of them in the honourable senator's bill, let me explain the provisions of the Conflict of Interest Act, as it stands today, that deal with gifts, so we all know what we are talking about.

Under that act, no public office-holder or member of his or her family may accept a gift or any other advantage that could be seen as an attempt to gain influence. However, there is an important exception to this general prohibition: Gifts from friends and relatives are permitted and are quite in order. This is in recognition of the simple fact that such gifts are not in normal circumstances, in the morals of our people here today and in Canada, expected to have been given for the purpose of influencing public decision-making. As such, the act strikes an important balance between accountability, transparency and the private lives of public office-holders and their families.

The act also requires public office-holders to disclose to the commissioner all gifts with a total value of \$200 or more from any one source in a 12-month period. Here we are talking about gifts received from anyone other than a relative or a friend. Those are the key words.

Finally, the act, as it now stands, requires public office-holders to publicly declare any gift from anyone who is not a relative or a friend that has a value of \$200 or more. Those are the provisions dealing with gifts.

Bill S-208 purports to strengthen these provisions, and Senator Day says it is designed to close a dangerous loophole. I am not arguing with him in that regard, provided we can assure ourselves that there is a loophole, and that these are the appropriate measures to accomplish that.

First, these amendments would narrow the exception to the general prohibition for accepting gifts. It would do this by replacing the term "friend" — and this is key, — with the words "close personal friend." This is not just semantics. There is a good case to be made that the term "friend" is too generic, that it could allow persons with a purported — not bone fide necessarily — friendship with a public office-holder to provide gifts in a way that is contrary to the act.

In fact, the commissioner has already been interpreting the act along these lines. In a guidance document from the commissioner on gift provisions, a clear distinction has been made between bona fide friends and mere acquaintances or business associates.

In short, she makes a distinction between being just "friends" and being "close personal friends." As such, this proposed amendment reflects our reality today. One could even say that, if we adopted it, it would not really change the landscape. In a way, narrowing the term "friend" to "close personal friend" is not, strictly speaking, necessary, but it does seem to make sense. It would serve to express, in a clear and explicit way, that the act is not intended to allow attempts to influence public office-holders through gift-giving done under a nominal cover of friendship. More important, it would reinforce our government's long-standing commitment to maintaining a robust conflict of interest regime for Canada and the highest standards of ethical behaviour, transparency and accountability. After all, Canada has been a leader in this regard.

• (1520)

Turning now to the second change, and the one we have a bit of a problem with, would expand the second amendment sections 23 and 25. It would tend to expand the circumstances in which public office-holders must make disclosures and public declarations of gifts they and their families receive.

More specifically, it would remove the word "friend" from the exceptions. Today it talks about a "relative or a friend." Those gifts I have described are exempt from being disclosed. Under Senator Day's amendment, only relatives would have that exemption.

Honourable senators, we respectfully submit that there are several problems. It would represent an additional intrusion into the private lives of public office-holders and may result in undesired outcomes, unintended consequences, as the honourable senator knows. For example, a spouse or a child of a public office-holder could inadvertently breach the act by failing to disclose a gift received at a family celebration from a close personal friend.

There are also concerns that this amendment could create an onerous reporting regime. It could do this by adding to the administrative compliance version of public office-holders and the office of the commissioner. Honourable senators, do we really want more paperwork? I am sure I do not need to remind colleagues in this place on both sides of the Senate that government operations are already overburdened by a tangle of red tape. In fact, when the present government came to power, it made a big point and a high priority of reducing the web of rules to ensure that tax dollars are better spent and to provide the good clean government that Canadians deserve and expect.

To be sure, reports are necessary in certain circumstances because they ensure the safe, fair, stable and accountable functioning of government. However, when they accumulate, they can diminish the efficiency and effectiveness of what they are trying to achieve.

Honourable senators, our government understands that some people may not be entirely comfortable with the fact that under the current conflict of interest code gifts from friends, "friends" is the word, do not have to be disclosed or declared. Surely the solution is not to completely remove this exception from the act, as Senator Day's bill proposes. A better compromise, I submit with respect, would be to narrow the exception to "close personal friends," after the same fashion as the earlier amendment.

In this way, public office-holders and their families would be able to accept gifts from their close personal friends without having to declare them. I am tempted to wonder aloud whether Santa Claus could be deemed a close personal friend. This would ensure a more consistent treatment of close personal friends throughout the Conflict of Interest Act, and it would strike a more appropriate balance between transparency and personal privacy. In addition, it would lessen the administrative burden that Bill S-208 in its present form would cause for public office-holders and the commissioner's office.

Honourable senators, the question we need to address, therefore, is how to strike that balance. This can and should be done by the Standing Senate Committee on Legal and Constitutional Affairs. We can take pride in the fact we already have one of the most robust ethics regimes in the world, one that requires the highest standards of ethical conduct from our public office-holders. Because of this, Canada finds itself in a unique and enviable position.

Our government has put into legislation its conflict of interest and post-employment rules for ministers, their staff and most of the Governor-in-Council appointees. Not only that, but these rules are enforceable by an independent commissioner and the judiciary. With Bill S-208, we must now consider whether we want to make this regime stricter and even more rigid. We need to examine what unintended consequences might result from enactment of this bill. We must weigh whether the additional intrusion into the private lives of public office-holders, which will likely result from this bill, is offset by the gain from having tougher legislation.

We must also consider whether or not it is worth increasing the reporting burden on public office-holders who will have to track all gifts received from their friends, close personal ones or otherwise. As I said a moment ago, it is a matter of striking the right balance, and I believe that the approach I have suggested does just that and would accomplish the ends Senator Day is seeking.

Honourable senators, I believe that with amendments along these lines, the changes proposed in the bill would indeed serve to strengthen and clarify the Conflict of Interest Act. I believe it would send a further signal to Canadians that their government is committed to ensuring it continues to be effective and accountable.

The Hon. the Speaker *pro tempore*: Further debate or questions?

An Hon. Senator: Question.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Day, seconded by the Honourable Senator Losier-Cool, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Day, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[Translation]

ITALIAN-CANADIAN RECOGNITION AND RESTITUTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill C-302, An Act to recognize the injustice that was done to persons of Italian origin through their "enemy alien" designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is the fourteenth day of debate on this bill, but I have not completed my research. I would therefore like to move adjournment of the debate for the remainder of my time.

(On motion of Senator Comeau, debate adjourned.)

[English]

SCRUTINY OF REGULATIONS

SECOND REPORT OF JOINT COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Joint Committee for the Scrutiny of Regulations (*Report No. 86 — Indian Estates Regulations*), tabled in the Senate on December 14, 2010.

Hon. Yonah Martin: Honourable senators, I move:

That the report be adopted and that the Senate request a complete and detailed response from the government, with the Minister of Indian Affairs and Northern Development being identified as Minister responsible for responding to the report by April 9, 2011: and

That the Clerk of the Senate transmit this request to the Minister of Indian Affairs and Northern Development and to the Leader of the Government in the Senate.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Translation]

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY— FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Transport and Communications (*budget—study on the emerging issues related to the Canadian airline industry—power to travel*), presented in the Senate on December 14, 2010.

Hon. Dennis Dawson moved the adoption of the report.

(Motion agreed to and report adopted.)

• (1530)

[English]

THE SENATE

MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

Hon. Joseph A. Day: Honourable senators, this item is adjourned in my name and I do wish to speak. After the Honourable Senator Kochhar speaks, I would ask that the motion be adjourned in my name.

The Hon. the Speaker pro tempore: Is that agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Vim Kochhar: Honourable senators, last week Senator Di Nino made a motion in the Senate regarding the 2010 Nobel Peace Prize winner Liu Xiaobo. It was enthusiastically supported by the Honourable Senator Jim Munson and most senators on both sides of the chamber.

As a new senator, I was moved and proud to realize that when it comes to basic freedoms — freedom of speech, freedom of worship, freedom to agree and disagree and freedom to protest peacefully — are the values where all Canadians are united and they will stay united.

Last Friday, the Nobel Peace Prize was awarded to Liu Xiaobo, but there was no one to receive it. Liu Xiaobo was somewhere in jail. His entire family is under house arrest and friends were barred from leaving China. The last time this happened was

75 years ago, when Hitler banned pacifist Carl von Ossietzky, who was imprisoned in a concentration camp, from going to accept the award.

Last week a communist party newspaper, *Global Times*, accused the Nobel committee in an editorial of trying to force Western values in China.

Honourable senators, we are not talking about Western values or Eastern values; we are talking about human values. We are talking about human dignity and freedom. We should learn from history that the human spirit is the most powerful power and, in the end, it always triumphs. They can torture people, they can break their bones and they can even kill them. What they have then is their dead body — not their dignity or obedience.

On Friday, Norwegian actress Liv Ullmann read Liu Xiaobo's statement, which was given in the court last year at his sentence for 11 years for speaking against Chinese government. It said the following:

I have no enemies. I, filled with optimism, look forward to the advent of a future free China. For there is no force that can put an end to the human quest for freedom, and China will in the end become a nation ruled by law, where human rights reign supreme.

Honourable senators can experience the strength of these words. The man has to be a saint to show no bitterness and the hope that wisdom will prevail on an authoritarian regime.

Canadian writer John Ralston Saul, who watched the ceremony from a front-row seat, praised Liu Xiaobo for this courage, these ideals and moderation. He said that Liu Xiaobo's bravery in standing up for the basic right for freedom of expression had made him a voice that cannot be avoided. He went on to say that his imprisonment will hurt China's image. He further said:

You can do Olympics and Expos and trade and finance, but at a certain point all that seems — in terms of international reputation — not that much when a single person stands up as a representative of values that people in China and elsewhere recognize as essential.

For China to move forward, it will have to recognize that words have power, that ideas matter and their international reputation can be helped or hindered by how they stand on these issues.

Honourable senators, unless we stand up to tyranny and stand firm on our values and human rights, we will join the ranks of cowardly nations. I urge all honourable senators to support Senator Di Nino's motion.

Hon. Anne C. Cools: Would the honourable senator accept a question?

The Hon. the Speaker: Senator Kochhar, will you accept a question?

Senator Kochhar: Yes, I will.

Senator Cools: I also wish to signify my intention to speak to this debate at some point in time.

Honourable senators, I am having difficulty understanding the motion as it is articulated:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

Can the honourable senator tell me what the motion proposes? Is this a temporary absence, perhaps, that the motion is asking for, or is this a royal mercy or a royal pardon?

Senator Kochhar: From my understanding, the motion is to urge the Chinese government to release Liu Xiaobo from prison.

Senator Cools: I am trying to establish the nature of the release from prison. For example, here, in Canada, we have something called a temporary absence, where a person can be released for a day or two to go to a funeral or something like that. There are all manners of release.

The business of releasing from prison involves the highest exercise of the prerogative powers of every sovereign. Here we call these powers the Royal Prerogative, particularly the Royal Prerogative of Mercy Clemency. I am trying to understand because the motion is not clear from the motion. It is remarkably ambiguous. Exactly what kind of release is intended in the words of this motion?

Senator Kochhar: The motion is trying to signify that the House of Representatives in the United States passed this motion and it was conveyed to China. The House of Commons here passed the motion. All we are trying to show is that this Senate should pass this motion, unanimously if possible, so that the will of the Senate can be conveyed to China.

Senator Cools: Honourable senators, I hope the Senate does not pass this motion. I wish to debate this motion but not today. We are very aware that we are running out of time before the adjournment. The adjournment of this debate should fall back to Senator Day.

Senator Di Nino: Merry Christmas from Liu Xiaobo!

Senator Cools: I would love to ask the Honourable Senator Di Nino some serious questions about this motion, if he would answer them. I would love to do so.

There is a huge complexity, a gravity and an enormity contained in this motion that does not meet the eye. The motion should be explained.

• (1540)

The Hon. the Speaker *pro tempore*: Further debate?

Hon. Jim Munson: Will the honourable senator accept a question?

Senator Kochhar: Yes.

Senator Munson: Honourable senators, this is not complex. Is the honourable senator aware of other Parliaments that have already, in a very time sensitive way, issued unanimous resolutions dealing with Mr. Liu Xiaobo? In other words, is the honourable senator aware of others in Europe, the U.S. Congress and others who are aware of this and have passed resolutions?

Senator Kochhar: The honourable senator is right; it is a time sensitive issue. That is why I am arguing that if we can show unanimous consent on the motion, then the job is done.

Hon. Tommy Banks: Would Senator Kochhar accept another question?

Senator Kochhar: Yes, I will.

Senator Banks: Is it the case that the basic human rights to which the honourable senator refers should be available to all the citizens of all countries, or are there some countries where the citizens should not have access to basic human rights or be treated according to them?

Senator Kochhar: Honourable senators, human rights should be available to all citizens, but there are countries such as China and Myanmar that will suppress information. Many countries will not let information go to all citizens. However, when one makes a motion here, the word somehow filters through from one person to two people to three people with a chain reaction. That is how people have access in countries where information is not spread by the government.

Senator Banks: If those basic rights should be available to all persons, should they also be available to Omar Khadr?

Some Hon. Senators: Oh, oh.

Senator Kochhar: Honourable senators, two wrongs do not make one right. Let us concentrate on the problem at hand, and then we can debate what the honourable senator is asking. He can put a motion based on his beliefs and we will debate that. Right now, however, the motion is to send a message to China, and it is our responsibility to get together and get that message out.

Some Hon. Senators: Hear, hear.

Hon. Consiglio Di Nino: I would like to ask Senator Kochhar a question, if I may.

I just wondered if Senator Kochhar was aware that back on March 27, 2007, the Speaker ruled on a similar debate, also instituted by Senator Cools who questioned a particular motion at that time, which was for a different purpose but very similarly prepared. He ruled that the motion was in order. That was on Tuesday, March 27, 2007. Is Senator Kochhar aware of that?

Senator Kochhar: I was not aware of that because I was not here, but I am aware of it now that the honourable senator has mentioned it.

Senator Di Nino: My other question deals with the fact that this motion was referred to the Law Clerk of the Senate, who also believes it to be in order. Is Senator Kochhar aware of that?

Senator Kochhar: Yes, I am.

The Hon. the Speaker *pro tempore*: Further debate? There being none, this matter, by agreement, shall be adjourned in the name of Senator Day.

(On motion of Senator Day, debate adjourned.)

RIGHTS OF MINORITIES AND INDIGENOUS PEOPLE

CHIAPAS DECLARATION—INQUIRY—ORDER STANDS

Hon. Donald H. Oliver rose pursuant to notice of November 30, 2010:

That he will call the attention of the Senate to the “Chiapas Declaration” which was adopted by consensus at the International Parliamentary Conference on “Parliaments, Minorities and Indigenous Peoples: Effective participation in politics” in Mexico on November 3rd, which urges every parliament to:

- Hold a special debate on the situation of minorities and indigenous peoples in their country;
- Recognize the diversity in society; and
- Adopt a Plan of Action to make the right to equal participation and non-discrimination a reality for minorities and indigenous peoples.

He said: Honourable senators, I would like to speak, but I do not think there is time, so I will wait until the next sitting.

(Order stands.)

WOMEN IN PRISONS IN CANADA

INQUIRY—DEBATE ADJOURNED

Hon. Grant Mitchell rose pursuant to notice of December 8, 2010:

That he will call the attention of the Senate to issues related to women in prisons in Canada.

He said: Honourable senators, there is time for me to speak, which might mean that I have the last word in 2010. Finally, I get the last word.

I want to speak on my inquiry, which is to draw attention to two issues with respect to women in prisons. The first one concerns the work of the Greater Edmonton Library Association and its prison library and reintegration committee. This group has been working for about three years on several library-related and library-specific projects in the Edmonton Institution for Women. It started over three years ago. The Edmonton organization that employs a librarian in the public legal education community hired a woman who had been convicted of killing her husband after years of brutal abuse. This woman offered to take the librarian and others from the Greater Edmonton Library Association to

the Edmonton Institution for Women for a tour. When they saw what was construed as the institution's library, they were struck by the fact that there were all kinds of books, as she said to me, but nothing to read. The books were a mess. They were out of date and they were in disrepair. What they saw at that moment was truly a gap in the kind of fundamental resources that would be so important for inmates in an institution like this.

With that start, they began to build literacy and library-related programs in the Edmonton Institution for Women. Three years later, they have a structured program called Storybook. This is a program whereby women inmates read stories, which are recorded on a disk. The disk and a new book, a new version or a new copy of the book from which they read are sent to their children outside the institution. The mother of that child, in effect, as close as she can come to it under the circumstances, is able to read to her child, which, of course, sends an important message to that child about literacy, creates at least some form of contact and relationship-strengthening between that mother and that child, and gives the mother who does the reading and offers it to her child a sense of worth and purpose that she probably does not get to feel very often in an institution of that nature.

• (1550)

The second program the Greater Edmonton Library Association's Prison Library and Reintegration Committee has set up is a book club in the medium- and minimum-security wings of this prison. Of course, that means that women are able to get books, read them in consort with one another, and discuss them periodically, just as any other book club would function. They are now beginning to move that book club program into the maximum-security side of the prison, which is more complicated because of the balkanization of that facility, which is necessary for security. However, again, the book club offers a valuable literacy program to women who probably get relatively little programming of that nature.

Third, the committee has established a technical literacy program, under which they seek to provide literature, books, and manuals to assist inmates in learning about technological changes with which they will be confronted when they finally get out of prison. Many of the inmates may well have been in prison at a time when for example, cellphones became common; it depends how long they have been in prison. This allows for these women, at least in some measured way, a chance to begin to understand the complicated world, or at least a portion of it, in which they will have to reintegrate.

Finally, the library has a fourth program, which is a borrowing program that they have structured with the Edmonton Public Library so that they can, more or less, like anyone else, borrow books and other materials from the library. They now have access to materials which, before this program, they simply did not.

Honourable senators, this program is valuable at many levels, for many reasons. Clearly, the program addresses the literacy issue, which affects many inmates. Often we are told, and science tells us, that people who have literacy issues end up on the margins of society and often in the criminal system by virtue of the difficulties they have encountered because of literacy issues alone. This program strongly promotes literacy, and because the Storybook program is part of the program, it strongly promotes family literacy.

Second, the program allows inmates to maintain a meaningful connection with their children while in prison. As limited as that might be, it is often better than what they have been able to sustain. Of course, the program generally fosters reading, information seeking and education amongst inmates. In fact, one of the side effects or benefits of this program is that it offers the chance for inmates who are literate to read to inmates who are not, and to provide a service to others, which of course is a therapeutic process.

What is absolutely striking is that these four programs and this program generally, are funded and supported absolutely by volunteer work and volunteer donations of materials, books and money. That, of course, makes the program difficult to sustain. However, it is striking to consider that there is no budget in the Edmonton Institution for Women — zero budget — for library facilities and services.

An Hon. Senator: Shame.

Senator Mitchell: Honourable senators, how could it be that some of the most fundamental elements, surely, of support for inmates who one day need to reintegrate into a society — including literature, information, literacy, connection with their family and children — simply are not provided for in this prison. I ask how it can be that this support is unavailable in this prison specifically and, I am led to believe, in the federal prison system for women in this country, generally.

I raise this inquiry to applaud the volunteer members of the prison and the Prison Library and Reintegration Committee of the Greater Edmonton Library Association. There are many wonderful volunteers in Edmonton, as there are, of course, across the country. I want to applaud them. I want to recognize the women in our institution in Edmonton who participate in this program in an effort to better themselves so that they can become productive citizens or so that they have a greater chance to do that when they leave prison. I want to applaud those who undertake to participate in the Storybook project for that which they offer their children by participating in that program.

I want to say that the real gap and misfortune in all of this, and the issue I want to point out every bit as strongly, is that this program is not supported in our federal prison system. It is all but incomprehensible that there not be budgeted money and structured programs to promote literacy, storybook telling for inmates' families to foster that relationship, technical literacy, and borrowing of books in local libraries.

I would appeal to the government, in its efforts to reduce crime, to look at this as a way of reducing crime in a productive and, very likely, successful way, compared with minimum sentences, which science tells us will actually increase crime and not make us safer at all.

The second issue I would like to raise concerning the status of women in prisons in Canada is the Mother-Child Program, which has been a mainstay for a number of years in the federal women's system. This program allows women, under supervised circumstances and rigorous parameters, to actually have their children visit, stay for visits or actually live with them in their prison environment. There are those who might say that that does not seem to be particularly appropriate; however, in fact the

experience has been positive. We have not heard, as long as I can remember, of any problems with the program. Over the years, up until changes about two years ago, there would be roughly 25 women with children enrolled and participating in this program.

Today in the penitentiary system in Canada, there are about 500 women, 330 of whom have children under the age of five who, without this program, are largely severed from any close relationship with their children. This program was positive in terms of the therapy it provided implicitly. It provided therapy for the mothers who were able to retain the sense of worth of caring for their children directly. It provided therapy for the children who are often too young to know where they are but are aware they want to be with their mother and have the warmth, sense of relationship and love that we all know is so important, those of us who support family values.

Yet, what happened? Two years ago, arbitrarily and surreptitiously, the Minister of Public Safety changed the rules and raised the bar so impossibly high as to make it all but impossible for any one of those 330 women who have children under the age of five, for example, to participate in this program. The participation in this program has dropped from 25 children to two children.

Honourable senators, what does that say, once again, about the punitive, short-sighted, limited-in-its-creativity approach to reducing crime and supporting people who need help to reintegrate adequately into our society? What does it say about creating greater safety in our society and greater fulfillment in their lives at the same time? What does that say about how this government approaches these issues? It says a great deal. It is a striking contrast between what is now, as a result of this government's tough-on-crime policy, and what, in fact, was successful and could be successful once again.

Honourable senators, I implore this government to reassess the way it approaches crime and to look at these programs that are successful, that were successful and that should be supported because they are the way of a modern, intelligent, creative crime policy for the people of this country.

Hon. Terry M. Mercer: Would the honourable senator accept a question?

Senator Mitchell: Yes.

Senator Mercer: I think this is an interesting program and one that should be duplicated across the country. To the honourable senator's knowledge, has anyone made a proposal to the Minister of Public Safety to duplicate this program; and if so, what has been his response? It seems a no-brainer to me to have a library program, particularly one run by volunteers. I would hope that while volunteers run the program, the government would put money into purchasing some books for the library. Is the honourable senator aware of any attempts to have it duplicated?

• (1600)

Senator Mitchell: Thank you very much, senator. It is not inconsistent to have volunteers perform work that is supported and sustained by government funding. Clearly, it might be the best of all possible worlds in certain circumstances, and I expect that this circumstance would be one of them. I am not aware of

how explicitly this matter has been put generally to the minister, but I know that the correctional ombudsman made the recommendation in a recent report that he and his office prepared, saying that this program should be reassessed and opened up. That is the implication of his recommendation.

Thank you for reminding me, because I forgot to mention that when this group went to their member of Parliament in Edmonton, they were encouraged to apply to the Department of Public Safety and Emergency Preparedness for money. They applied for \$5,000 for the storybook program, and they received a rejection because the department said that funding would duplicate a program that already exists, the Family Literacy Program. When they went to find the Family Literacy Program, it did not exist, so they went around the proverbial circle and they are back to where they started. “Tautological” is the word that was suggested.

They were not asking for a huge amount of money here to sustain a powerful program, and what did they receive from government? They were misled.

(On motion of Senator Hubley, debate adjourned.)

BUSINESS OF THE SENATE

FELICITATIONS

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, before we suspend to await the arrival of His Excellency, I want to rise and briefly acknowledge some important people. Honourable senators, many people work extremely hard to ensure that we perform our jobs as senators. Without them, it would be difficult, if not impossible, for us to function. Before we adjourn for the holidays later today, on behalf of our side, and, indeed, I am sure all senators, I want to thank everyone who has worked so hard throughout the year to make this place run as smoothly as it does.

I want to thank the table officers, led by our clerk, Gary O'Brien, and all the committee clerks for the excellent work they do, with special thanks to our Usher of the Black Rod, Kevin MacLeod, and our Mace Bearer, Jan Potter.

What would we do in this chamber without the hard work of our Senate pages? Thank you very much. I especially want to thank all the maintenance staff, especially my friend Bill, and our courteous and efficient Senate security staff. Again, to all, we deeply appreciate all your hard work.

To the senators on both sides and our staff, I wish you all the best over the holiday season. I hope we all have some well-deserved rest and have the opportunity to spend quality time with our families and friends. Merry Christmas, Happy Hanukkah, season's greetings, and Happy New Year to all.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I want to associate myself with the words of my friend, Senator LeBreton. All of us appreciate the work that is done for us on behalf of this institution by the table officers, by the pages, by all of those who interpret our sometimes-incomprehensible comments, and who serve us, serve the Senate, in so many ways. Often unheralded are those who work for us in our offices, without whom it would be impossible for us to do the work that we do. On my own behalf and on behalf of all colleagues here,

I want to express to colleagues opposite best wishes for a safe and happy holiday. We look forward to returning to do battle in the new year.

The Hon. the Speaker: Honourable senators, is it your pleasure that the sitting be suspended to await the arrival of His Excellency the Governor General?

Hon. Senators: Agreed.

(The Senate adjourned during pleasure.)

• (1610)

[Translation]

ROYAL ASSENT

His Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to implement conventions and protocols concluded between Canada and Colombia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (*Bill S-3, Chapter 15, 2010*)

An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament) (*Bill S-210, Chapter 16, 2010*)

An Act to amend the Criminal Code and other Acts (*Bill S-2, Chapter 17, 2010*)

An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada* (Registrar of Indian and Northern Affairs) (*Bill C-3, Chapter 18, 2010*)

An Act to amend the Criminal Code (suicide bombings) (*Bill S-215, Chapter 19, 2010*)

An Act to amend the Criminal Code (justification for detention in custody) (*Bill C-464, Chapter 20, 2010*)

An Act respecting the safety of consumer products (*Bill C-36, Chapter 21, 2010*)

An Act to amend the Old Age Security Act (*Bill C-31, Chapter 22, 2010*)

An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act (*Bill C-28, Chapter 23, 2010*)

A second Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures (*Bill C-47, Chapter 25, 2010*)

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed His Excellency the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bill:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011 (*Bill C-58, Chapter 24, 2010*)

To which bill I humbly request Your Excellency's assent.

The Honourable the Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

The Honourable the Governor General was pleased to retire.

The sitting was resumed.

• (1630)

BUSINESS OF THE SENATE

FELICITATIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, earlier today in this Chamber, Senator Mitchell said he would have the last word. He nearly had the last word.

We are trying to delay the adjournment of the Senate for a few minutes.

• (1640)

[English]

Honourable senators, we will delay our proceedings for a few minutes before we are invited into the other chamber, and this gives me the opportunity to thank both sides for the vigorous means by which we conducted this fall session.

I know there have been differences of opinion sometimes on both sides, but there is an old saying, "where you stand depends on where you sit." I do not think anything could be any truer than

that old saying; however, it gives me the opportunity to thank senators on both sides. The debates have been vigorous, and have been fought with a lot of emotion and a lot of hard work.

Honourable senators, I particularly want to thank my colleague on the other side, Senator Tardif. We meet every day. Sometimes she is not happy when she comes into my office, but at least she always leaves with a smile. We rarely have the chance to say such things on the floor of the Senate. I know she works hard, and I know what she has to work with so it is not always easy.

With your permission, honourable senators, since Senator Tardif rarely has the opportunity to have the almost last word, I want us to give her the opportunity to say a few words.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I guess one should never underestimate the power of a woman; you see I do have the last word today in our meetings.

[Translation]

On behalf of all honourable senators, I would like to thank each and every one of you for the remarkable work you have accomplished.

We do not always share the same opinions and we all defend our viewpoints passionately and enthusiastically. Despite our differences, we are all working for the well-being of our fellow Canadians, sometimes very enthusiastically, sometimes very passionately, and sometimes we may even go a little overboard. However, we are always very committed to our work, which we do in the best interest of Canadians.

I would like to thank Senator Comeau. He said that at times I was not too happy upon first entering this Chamber, but I think there have been times when he has stopped smiling after I have left this honourable place.

I wish all honourable senators a very merry Christmas and a happy New Year!

[English]

The Hon. the Speaker: Honourable senators, practice and the rules require that if the Speaker wishes to speak, he must go to his place in the Senate. However, I have the unanimous consent of the house, Senator Cools, that I be given this opportunity to express my admiration and appreciation to each and every one of the honourable members of this honourable house, for the hard work that is undertaken by each and every senator in spite of the ill-informed criticism that we are subject to. The reality is that there is no country in the world where the practice of freedom has had such a grand success as in Canada.

Hon. Senators: Hear, hear!

The Hon. the Speaker: For some 143 years, the practice of freedom has grown and matured. To the extent that we and visitors who come, particularly students, reflect on this reality, I challenge them to find some other place in the world where the people are freer, and they cannot.

So yes, Canada is a great free nation and, to the extent that that is true, there has to be something right about a system of governance — the Westminster parliamentary monarchy — that contributes to that freedom. In my judgment this chamber — this honourable house — plays a critical role.

To honourable senators, I beg for your forgiveness that any errors made by the chair over the past fall session be attributed to me personally and not to the chair itself.

I conclude by saying that Her Majesty's representative, His Excellency the Governor General, would love to meet each of you in the Speaker's quarters when we rise, so I invite you to come and meet with His Excellency as soon as we rise.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 1, 2011, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, February 1, 2011, at 2 p.m.)

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OFFICIAL REPORT
(HANSARD)

Tuesday, February 1, 2011

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, February 1, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

AFGHANISTAN—FALLEN SOLDIER

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I should like to invite all honourable senators to rise and observe one minute of silence in memory of Corporal Steve Martin, whose tragic death occurred while serving in Afghanistan.

Honourable senators then stood in silent tribute.

[Translation]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, there have been consultations among the parties, and it has been agreed that photographers may be allowed on the floor of the Senate for this afternoon's meeting, so that they may photograph the swearing-in of new senators with as little disruption as possible.

[English]

NEW SENATORS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Larry W. Smith

Donald Meredith

INTRODUCTION

The Hon. the Speaker having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

Hon. Larry W. Smith, of Hudson, Quebec, introduced between Hon. Marjory LeBreton, P.C., and Hon. Leo Housakos.

Hon. Donald Meredith, of Richmond Hill, Ontario, introduced between Hon. Marjory LeBreton, P.C., and Hon. Donald H. Oliver; and

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the Constitution Act,

1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

• (1410)

CONGRATULATIONS ON APPOINTMENTS

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, it gives me great pleasure to rise in this chamber to welcome two exemplary Canadians to the Senate and to the ranks of the Conservative caucus. Both of these men have already shown their commitment to public service and their deep concern for their fellow Canadians in their lives up to this point. They have been called upon by His Excellency the Governor General, on the advice of the Prime Minister, to continue this service in the Senate. I am confident that they will enhance the workings of this place with their continued service.

The Reverend Donald Meredith joins us from the Toronto region, where he has been actively involved in his community as a Pastor of the Pentecostal Praise Centre. He is also the executive director of the GTA Faith Alliance, which is an organization of over two dozen community and faith organizations dedicated to looking at the problem of youth violence. Reverend Meredith is a committed anti-crime advocate, who is deeply devoted to his community and to ending the tragedies and senseless violence we have seen in Toronto in recent years.

In addition to being an advocate for his community, Reverend Meredith also owns Donscape Landscaping Services. I also understand that he very much likes to cook and is a "100 per cent Toronto Maple Leafs' fan."

Some Hon. Senators: Shame!

Some Hon. Senators: Come on.

Senator Munson: Go Habs, go!

Senator LeBreton: Senator Smith, Senator Demers and I may have opposite views to that, but he has an ally in the Prime Minister.

In any event, Senator Meredith is a husband and father, who coached his son's soccer team to a championship. He is a welcome addition to the Senate of Canada and this is a wonderful opportunity to have his family and friends in the gallery today to watch this very historic occasion.

Senator Smith and Senator Meredith are making history because this is only the second time in my lifetime that the Conservatives have had a majority in the Senate.

Some Hon. Senators: Hear, hear!

Senator LeBreton: Senator Larry Smith joins the Senate from the province of Quebec, where he is a familiar and respected figure. To those of us who are avid football fans, we will remember Senator Smith as a star football fullback for the Montreal Alouettes from 1972 to 1980. Of course, at that time, I was not a fan of Senator Smith's because I was cheering for another team that used to be here in Ottawa.

The game of football continued to benefit during his presidency of the Alouettes and then as commissioner of the Canadian Football League, the CFL, at a time when the league's future was very much in doubt. Many people credit Senator Smith with saving the CFL.

Honourable senators, Senator Smith's activities go well beyond football. He was president and publisher of the *Montreal Gazette*, has served on numerous charitable boards, including the Centraide of Greater Montreal campaign and ABC Life Literacy Canada, as well as the Canadian Olympic Committee. He is also involved with no less than eight charitable sports foundations. He has significant experience in the business world, which includes positions with Industrial Life Technical Services and John Labatt Limited.

• (1420)

In addition to all of this, he is a proud husband, father and grandfather. Senator Larry Smith, it is truly an honour to welcome you to the Senate of Canada.

I know that all honourable senators join me in welcoming both of you to the Senate. Senators Smith and Meredith both bring experience and service that will be of great value in our deliberations here. I am sure that it will not take them long to become comfortable with and knowledgeable of the workings of this place.

Honourable senators, Senator Larry Smith and Senator Don Meredith are exemplary Canadians who have contributed to the social, cultural and, indeed, spiritual life of our country. I am elated, as you can imagine, to welcome them into our ranks. I ask you to join with me in welcoming them to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

SENATORS' STATEMENTS

SUICIDE PREVENTION

Hon. Dennis Dawson: Honourable senators, I rise today to talk about the sad reality of suicide.

This week is Suicide Prevention Week in Quebec.

With a theme of "Suicide is not an option," the Association québécoise de prévention du suicide is organizing a number of activities across Quebec to promote public awareness of the social scourge of suicide.

This year's theme is an appeal to every member of society to listen to calls for help and to ensure that suicide is never considered an option.

Suicide rates have been rising in Quebec since the end of the 1960s, and a sort of tolerance or "culture" of suicide has developed as a way to put an end to suffering.

It is time to change that culture.

Together, we can prevent suicide and remove it from the list of possible options for those in distress.

The only real options we can offer to people in distress are listening and assistance.

Together, we can prevent suicide and remove it from the list of possible options for those in distress.

[English]

As you might know, the Senate studied this question in 2004 with the Kirby report on mental health. The report did a great job in outlining the relationship between mental disorder and suicide. However, as noted in the report, "Suicide is a 'stoppable' problem. It is an action, not an illness." Each one of us has, therefore, the responsibility to take action to stop this phenomenon.

I believe honourable senators can help to lower suicide levels by studying this issue in depth. To that end, I hope to bring the subject to the table in the near future.

The Kirby report was, indeed, an excellent study, but it looked only at suicide from the mental health angle. It is time to look at other angles to better understand this problem and thus enhance suicide prevention in Canada.

[Translation]

I would therefore like to take this opportunity to invite you all to visit the Association québécoise de la prévention du suicide website to learn more about Suicide Prevention Week.

You will also receive an information kit in your office today, and if you find yourselves in Quebec at any point this week, I encourage you to participate in some of the activities organized by the association, because together we can send the message that "suicide is not an option."

[English]

INTERNATIONAL YEAR FOR PEOPLE OF AFRICAN DESCENT

Hon. Donald H. Oliver: Honourable senators, happy new year. Indeed, 2011 will be a good year because it is the International Year for People of African Descent, and February is the beginning of Black History Month.

On December 19, 2009, the United Nations General Assembly adopted resolution 64/169, making 2011 the International Year for People of African Descent.

The UN resolution reaffirms the principles of the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights, and that everyone is entitled to the rights and freedoms set forth therein, without distinction of any kind.

With the adoption of this resolution, the United Nations wants us to strengthen

... national actions and regional and international cooperation for the benefit of people of African descent in relation to their full enjoyment of economic, cultural, social, civil and political rights, their participation and integration in all ... aspects of society, and the promotion of a greater knowledge of and respect for their diverse heritage and culture.

The year was officially launched at the UN headquarters on December 10, 2010, which coincided with the International Day for Human Rights. At the ceremony, the UN Secretary-General Ban Ki-moon said:

The international community cannot accept that whole communities are marginalized because of the colour of their skin.

... people of African descent are among those most affected by racism.

Too often, they face denial of basic rights such as access to quality health services and education.

Such fundamental wrongs have a long and terrible history.

Assistant Secretary-General for Human Rights, Mr. Ivan Simonovich, also called for us to organize activities that “fire the imagination, enhance our understanding of the situation of people of African descent, and are a catalyst for real and positive change in the daily lives of the millions of Afro-descendants around the world.”

Nova Scotia has already answered the call. The province will host the seventh African Diaspora Heritage Trail Conference in September 2011. This annual international conference focuses on preserving and promoting important sites and stories, such as those of Black Loyalists of Nova Scotia, throughout the African diaspora. Hundreds of dignitaries, scholars and tourism operators from around the world will converge in Halifax for this event.

Honourable senators, 2011 offers a unique opportunity to increase awareness of African heritage and the many contributions of Black Canadians to their society. Above all, it provides an opportunity to promote the many benefits of diversity and pluralism.

As Ban Ki-moon said, “The success of the international year requires concerted efforts across the United Nations system and at the regional and national levels, with the widest possible engagement and participation.”

WOMEN'S HEART HEALTH

Hon. Catherine S. Callbeck: Honourable senators, February is Heart Health Month. This commemorative month provides Canadians across the country with the opportunity to learn more about the risks and impacts of heart disease and stroke. The effects are considerable. In my home province of Prince Edward Island, nearly 6 per cent of Islanders are living with the disease. Indeed, every seven minutes, someone in Canada dies from heart disease.

Heart disease has long been seen as a problem affecting mostly men, but it is now the leading cause of death in women. Every year, seven times more Canadian women die of heart disease and stroke than breast cancer. In fact, according to Statistics Canada, nearly 35,000 women died due to heart disease and stroke in 2006, more than the number of women who died from all cancers combined. The number of deaths from heart disease and stroke has become virtually the same for men and women in this country.

To combat this problem, the Women's Institute of Canada has made women's heart health its national educational project, and introduced a great program — “Walk Across Canada with Us.”

In my home province, the challenge has been taken a step further. The Women's Institute of Prince Edward Island has joined with go!PEI and the provincial Heart and Stroke Foundation to reach even more Islanders.

Islanders of all ages, whether or not they are Women's Institute members, are invited to take part in this symbolic walk across the country. The Women's Institute members in my province are aiming to record 6.6 million steps over the next year, which is the number of steps necessary to walk from Newfoundland and Labrador to British Columbia.

Many Women's Institute branches across the country are holding information sessions. Through projects like this, hard-working members of the Women's Institute are carrying on their long-standing tradition of service and community involvement.

Honourable senators, as part of the Women's Institute campaign, Canadians are being asked to wear red on Friday, February 4 — National Wear Red Day — to show support for women's heart disease awareness. I commend the members of the Women's Institute, who are taking steps to improve their own lives and the lives of those around them, and for all their many worthwhile endeavours.

THE LATE JOAN ELIZABETH CROCKER

Hon. Michael Duffy: Honourable senators, I rise today to honour the life of an accomplished woman I called my friend, Joan Elizabeth Crocker. As my friend from Nepean—Carleton told the other place yesterday, it is with sadness that we report that Joan passed away on December 24, 2010, at the age of 53.

Joan was a good friend and colleague to many, including many of the brightest and best young people on Parliament Hill. Joan Crocker was a key player in the Magna for Canada scholarship program, which was then run by the Honourable Belinda Stronach and a former colleague from the other side, Dennis

Mills. Through this and other youth-oriented programs, for more than a decade, Joan mentored and championed some of Canada's brightest young people.

• (1430)

Taken from us at age 53, Joan Crocker had much more to give to others. Her enthusiasm and zest for life will be remembered by all who knew her. Canada is richer for her nation building.

FIREARMS REGULATION

Hon. Mobina S.B. Jaffer: Honourable senators, I rise before you today to speak about the tragedy that struck Tucson, Arizona that left an entire nation overwhelmed with fear and sadness.

On Saturday, January 8, while hosting one of her regular "Congress on Your Corner" events, Congresswoman Gabrielle Giffords was gunned down, suffering a bullet wound to the head. This same attack claimed the lives of six people and left another thirteen injured.

Honourable senators, I am sure you will all join me in wishing Congresswoman Giffords well as she travels down the road to recovery. I also take this opportunity to express to the families who lost their loved ones during this attack that our thoughts and prayers are with them during this difficult time.

Honourable senators, tragedies like the one that shook Tucson a few weeks ago are a reminder of the importance of being vigilant about gun control. New York City Mayor Michael Bloomberg stated in an interview last week that every single day, 38 people in the United States are killed as a result of gun violence. He made this statement in an effort to stress the importance of enforcing gun control laws in America.

In Canada, we pride ourselves on being a peaceful and non-violent nation. For decades, Canadians have recognized the importance of being vigilant about gun control. It is of the utmost importance that we do not stray from this objective.

When engaging in debate about abolishing the gun registry, as we did a few short months ago, we should be mindful of the fact that these very public safety tools are the reason why gun-related deaths are far less prevalent in Canada than they are in the United States.

More than ever, there is a profound need to recognize the importance of public safety tools and laws regulating the use of firearms. The reality is that the world is a dangerous place and we must continue to work hard to ensure that our streets, schools and playgrounds remain safe.

Honourable senators, parents should be able to allow their children to play in parks without worrying that they may be caught in crossfire; students should be able to attend classes without having to worry about whether or not one of their classmates will open fire in the hallway; and nine-year-old girls like Christina Green should be able to grow up to be the politicians they aspire to be.

I urge all honourable senators to recognize the need to remain vigilant about gun control in Canada.

THE HONOURABLE JACK LAYTON

Hon. Nicole Eaton: Honourable senators, last week, Senator Mitchell and I had the pleasure of participating in a panel discussion, entitled: "Second Thoughts about Sober Second Thought: the Meaning of the Senate Rejection of Bill C-311." The debate was hosted by the Canadian Study of Parliament Group.

While I very much enjoyed taking part in this panel, I felt bad for the organizers because their event was hijacked. What was supposed to be a rational, intelligent debate quickly deteriorated into an all-out attack on our parliamentary institutions by the third panellist, Jack Layton.

Some Hon. Senators: Oh, oh!

Senator Eaton: Senator Mitchell rightly declared that we had been "sucked into the vortex of the first campaign stop." Mr. Layton did not disappoint. As usual, he was long on catchy slogans and short on meaningful solutions. He began by making a grandiose commitment to abolish the Senate, but Mr. Layton did not bother to explain why he consistently blocks Senate reform that our government is trying to pass in that other place.

Why am I surprised? He has made a career of throwing around empty promises for which he will never be held accountable. However, his blatant disregard for one of our parliamentary bodies is quite disconcerting.

Clearly, Mr. Layton either conveniently ignores or does not understand the pivotal role the Senate plays in our parliamentary system. However, honourable senators, I am proud to report that I offered to help. I invited Mr. Layton to be a senator for a day and follow Senator Mitchell and me around for a while to see what we actually do. Alas, he did not bite. I guess he was worried he might learn something.

Mr. Layton accuses the Senate of being undemocratic, without taking into account that our upper chamber is a fundamental part of the successful Westminster parliamentary system that has given to us one of the best and freest countries in the world. These smear campaigns against the Senate are nothing more than opportunistic politics that show a disregard for the very foundation of our institutions.

As Senator Mitchell correctly pointed out — and I cannot believe I am quoting my honourable colleague twice in a matter of minutes — "Our institutions, and not just the Senate, have been attacked and eroded, and undermined, and they have become a political football just for political purposes, and there are huge consequences to that."

Honourable senators, I believe we must do our best to promote the hard and valuable work we do here and to tackle these uninformed, factually lacking attacks. We must put the likes of Jumpin' Jack Flash on notice that such short-sighted, blatant disregard for our systems and institutions will not be tolerated.

[Translation]

ROUTINE PROCEEDINGS

CANADA'S ECONOMIC ACTION PLAN

SEVENTH REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the seventh report to Canadians for the second year of *Canada's Economic Action Plan*, designed to maintain economic growth.

[English]

STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

SIXTH REPORT OF FISHERIES AND OCEANS COMMITTEE TABLED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Bill Rompkey: Honourable senators, I have the honour to inform the Senate that pursuant to the order of reference adopted on March 25, 2010, and to the order adopted by the Senate on December 14, 2010, the Standing Senate Committee on Fisheries and Oceans deposited with the Clerk of the Senate, on December 20, 2010, its sixth interim report entitled: *Seeing the Light: Report on staffed lighthouses in Newfoundland and Labrador and British Columbia*, and I move that the report be placed on the Orders of the Day for consideration at the next sitting.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Rompkey, report placed on Orders of the Day for consideration at the next sitting of the Senate.)

STUDY ON PANDEMIC PREPAREDNESS

FIFTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Art Eggleton: Honourable senators, I have the honour to inform the Senate that pursuant to the order of reference adopted on June 28, 2010, and to the order adopted by the Senate on December 8, 2010, the Standing Senate Committee on Social Affairs, Science and Technology deposited with the Clerk of the Senate, on December 29, 2010, its fifteenth report entitled: *Canada's Response to the 2009 H1N1 Influenza Pandemic*, and I move that the report be placed on the Orders of the Day for consideration at the next sitting.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Eggleton, report placed on Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-21, An Act to amend the Criminal Code (sentencing for fraud).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading, two days hence.)

• (1440)

[English]

NATIONAL LANGUAGE STRATEGY

NOTICE OF INQUIRY

Hon. Mobina S.B. Jaffer: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the importance of developing a national language strategy.

QUESTION PERIOD

FOREIGN AFFAIRS

EVACUATION OF CANADIAN CITIZENS FROM POLITICALLY UNSTABLE REGIONS

Hon. James S. Cowan (Leader of the Opposition): Welcome back, honourable senators. My question is for the Leader of the Government in the Senate.

Honourable senators, as the eyes of the world focus on the current unrest in Egypt, the government is scrambling to ensure the safe evacuation of Canadian citizens. We are reminded that a similar effort was deployed in Lebanon in 2006, from which lessons should have been drawn. In fact, the Standing Senate Committee on Foreign Affairs and International Trade initiated a study of the government's evacuation of more than 14,000 Canadians from Lebanon. In its report tabled in May 2007, the committee made a number of recommendations to enable the government to improve its contingency planning in the event of future evacuations of this scale.

In its introductory remarks the report stated:

While the Committee believes that its hearings have shed some light on the events surrounding the Lebanon evacuation, it also strongly urges the Government of Canada to prepare and release to the public a report on the lessons learned by government departments involved in the evacuation effort, and the steps that should be taken as a result of the Lebanon experience.

Was such a report prepared and published by the government? If not, why not?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question and welcome all senators back.

The situation in Egypt is significantly different from the situation in Lebanon in 2006. I believe that our embassy officials and people working in Egypt are handling the situation in the best way they can. As honourable senators know, the government has arranged for chartered flights for Canadian citizens wishing to leave Egypt. There is obviously a communications problem in Egypt because of the shutdown of many of the telecommunications systems, and indeed even some of the television broadcasts.

Honourable senators, we take the safety of Canadian citizens seriously. The government, as I mentioned a moment ago, is offering chartered flights on a cost recovery basis for individuals wishing to leave Egypt. Flights began leaving on Monday, with priority given to people holding Canadian passports and their immediate family, defined as a spouse or children. We are also putting more staff on the ground. There are flights departing as we speak.

Honourable senators, with regard to the senator's question about the report, I will take that question as notice.

Senator Cowan: Honourable senators, that report also commented on the challenges which were encountered during the evacuation — and would be encountered during any kind of evacuation process — and made some recommendations with respect to clear and attainable objectives.

One recommendation dealt with the system of travel warnings and overseas alerts to enable contact to be made with Canadians living and travelling abroad.

The committee deemed the system in place at the time of the report to be ineffective in reaching a significant number of citizens and suggested:

DFAIT should consider adopting new strategies for communication that go beyond regular updates to its travel advisories Web site, including the use of text messaging to mobile phones . . .

Can the leader tell honourable senators why the government opted to maintain the status quo and chose to rely solely on a travel advisory website, which became obsolete, of course, when the Internet was suspended in Egypt?

Senator LeBreton: I appreciate the honourable senator's questions, but the situation in Egypt has been going on for the past eight days. All government officials and all of our employees at DFAIT work on various contingency plans. No one can predict with any certainty how situations will develop in other parts of the world. Some Canadians have opted to stay in Egypt.

Honourable senators, this is not a political issue. Any government of any political stripe would have to face this issue. This government takes this situation very seriously. We have provided flights for those Canadians wishing to leave, and we have issued travel advisories.

Honourable senators, this morning, a caller on CBC asked what the government was going to do about Canadians who had planned to take their holidays in Egypt. I responded to the television that Canadians should cancel their plans to travel to Egypt.

The Department of Foreign Affairs is handling the situation very well. Canadians have access to various means of communication. As honourable senators know, we have agreements with the United States and Australia that once the aircraft arrive in Cairo, if there are not sufficient numbers of Canadians to fill the seats, we will take American and Australian nationals, and American and Australian planes will offer empty seats to Canadians.

Senator Cowan: Honourable senators, another recommendation of the committee report suggested:

The Department of Foreign Affairs and International Trade should review its allocation of personnel and other resources to missions abroad, in order to place greater emphasis on countries where . . . there are risks for regional destabilization.

Given the unrest in Egypt and other countries in that area, can the leader tell us if there was an increase in personnel at the Canadian embassy? If there was such an increase, can the leader tell us the scale of that increase in personnel? Perhaps the leader will take this question as notice.

Senator LeBreton: As the honourable senator is aware, the Department of Foreign Affairs, in staffing missions abroad, in some cases has established new missions, meeting new world demands. There are other cases where missions have been either closed or scaled back.

Honourable senators, I will take the question on the embassy in Egypt as notice.

[Translation]

PUBLIC SAFETY

MENTAL HEALTH TREATMENT FOR WOMEN IN PRISONS

Hon. Lucie Pépin: Honourable senators, my question is for the Leader of the Government in the Senate.

We are told that there are far too many women suffering from mental illness in the federal inmate population. Many of these female offenders have special mental health needs that are not being adequately addressed. This was noted in the 2006 report on mental health of the Standing Senate Committee on Social Affairs, and recently in *The Globe and Mail*.

We know, Madam Leader, that your government is very interested in prisons. Could the leader tell us if her government's plans will address the problem of the lack of mental health services for women in our prisons who need those services?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank Senator P  pin for the question.

The issue of mental health is a serious one, not only in prison systems but also across our general population. It is heartening — and I think the Senate deserves a lot of credit in this regard — to see this issue being brought more into the forefront, and, of course, we must thank former Senator Kirby in that regard.

With regard to mental health in our prisons, we have provided additional resources to the Correctional Service of Canada. For example, we have required corrections staff to provide assessments of inmates in the first 90 days, as that was not done in the past, in order to properly stream these people who are suffering from mental illnesses into proper treatment procedures.

• (1450)

[Translation]

Senator P  pin: Honourable senators, 90 per cent of the women in prison were abused as children and this has had an effect on their adult life. Men with similar experiences can access mental health services in the prison system. Madam Leader, your government is planning to invest billions of dollars in the construction of new prisons. Would it not be better to use some of this money to meet the needs of offenders, especially women, already grappling with mental health issues, and to provide new services in these settings? Women must have access to the same services available to men.

[English]

Senator LeBreton: Honourable senators, we are putting more money into our prison system — and I have had questions in this place from Senator Fraser and others worried about doubling up in our prisons — we are improving our prison facilities in order to provide suitable accommodations so people can be properly detained.

One area the government does not receive much credit for is the significant resources it is investing in retraining and rehabilitation in our prison systems. With regard to women prisoners, as the honourable senator specifically asked about, there is no doubt women present a different profile than men, and they have fallen into the prison system through different circumstances.

However, again, I wish to reassure the honourable senator that the government is committed not only to improving our prison systems but we are also investing considerable resources in treating mental illness as well as retraining and rehabilitation while incarcerated.

[Senator P  pin]

INFRASTRUCTURE

IMPROVED ELECTRICAL TRANSMISSION BETWEEN PRINCE EDWARD ISLAND AND NEW BRUNSWICK

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate.

I have been hearing a great deal in my province about the need for a new power cable to the mainland. This project would upgrade the electricity transmission system between Prince Edward Island and New Brunswick by adding a new power cable. The cable would be placed inside the Confederation Bridge in a utility corridor specifically designed and built for this purpose. This cable has been a priority for the province for years; however, the province is unable to move forward without the assistance of the federal government.

The two existing underwater cables are now 34 years old. Their life expectancy is 40 to 50 years.

The province has applied for funding under the Green Infrastructure Fund, and I am aware that two other projects have already been given the green light, one worth \$130 million in British Columbia and one worth up to \$71 million in the Yukon.

I ask the leader, what is the status of Prince Edward Island's funding application?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I do not have the status of the applications made by the various jurisdictions at my fingertips, but I will be happy to take the honourable senator's question as notice.

Senator Callbeck: I appreciate the leader looking into this funding. It is a matter of great importance to Islanders because we have the potential to export wind energy, and we have two existing cables that are nearing their life expectancy.

This power cable project is the only item that my province has applied for under the Green Infrastructure Fund. In fact, it is one of a small number of applications for the Atlantic region, so it seems a perfect fit, given that two other power transmission projects have already received approval for funding under the Green Infrastructure Fund.

As I said, I am happy the leader will inquire into this funding, but it is a pressing issue for Islanders, and I want to know when I can expect a reply.

Senator LeBreton: I will attempt to obtain a response as quickly as possible. I think the government has a good and solid record on dealing with these various proposals and working cooperatively with the provinces and territories all across the country. We have had great success, not only with the stimulus

package but also with the Green Infrastructure Fund. We continue to work cooperatively with the provinces and territories in the interests of the country and the economy and, of course, the people who live in those regions.

[Translation]

JUSTICE

RIGHTS OF SHAREHOLDERS— NATIONAL SECURITIES REGULATIONS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government. Since the beginning of the economic crisis, the Conservative government has claimed to be the best manager of the Canadian economy. However, this statement quickly comes into question when we look at last year's Roadmap: the review of a crown jewel, Atomic Energy of Canada; abandonment of disabled Nortel employees; and, the worst part, record debt for Canadians. Basically, the Conservative government is putting business before people by reducing corporate taxes and by further reducing the taxes for oil companies.

I was not the least bit surprised to read in yesterday's *The Globe and Mail* that the shareholders' fundamental right to vote is largely being ignored by the government. The article described issues that frequently arise when shareholders' votes are counted.

Madam Leader, the business world should not be exempt from the democratic ethical rules that we so staunchly defend. You can understand that this poses serious problems during important votes on the future of a company and has a significant impact on the stability of our economy. How does the Conservative government plan to ensure respect for the fundamental right of shareholders to vote, as set out in the Canada Corporations Act, in order to eliminate any possibility of irregularities during a vote?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will not comment on the operations of individual companies and their policies with regard to their shareholders.

I noticed in the preamble to the honourable senator's question the usual litany of misinformation. The economic stimulus required to help Canada lead the world through the economic downturn has been a great success. We have created about 400,000 jobs, we have reduced the overall tax burden to its lowest level in nearly 50 years, and unlike the tax-and-spend policies of the honourable senator's particular party, we do not believe that Canadians should pay more taxes. The Liberal Party's only economic plan is to raise the Goods and Services Tax, hike taxes on job creators and impose a new carbon tax. We will not raise any of those taxes.

Furthermore, with regard to the deficit, it was clear that the deficit was a result of part of the effort the government made to deal with the economic downturn. The honourable senator is incorrect when she states this deficit is the largest in history; it

is not. She knows that herself. She was part of the government that created the largest deficit in the history of the country, which was under Mr. Trudeau, and it was 8.7 or 8.9 per cent of the gross domestic product.

We believe in creating jobs and lowering taxes. Something that is obviously supported by all small and large businesses is that our tax policies make Canada an attractive place to invest. Honourable senators, guess what that investment means? If people move their companies into Canada and invest in Canada, that investment will create jobs for Canadians.

Senator Comeau: Elementary.

Senator Hervieux-Payette: I disagree with the leader's answer. I remind the leader that for a few years now, her government has had a desire to create a national securities commission similar to that of the Americans or the United Kingdom. As I have said in the past, these institutions would have done nothing to prevent the current crisis. As the leader has said in the past, Canada performed well, but her party took over from a government that had no deficit and had tremendously reduced the debt created previously by the Conservatives.

• (1500)

Despite massive opposition to this project from the province of Quebec and from the Conservative party's stronghold, Alberta, the leader's government presses ahead with an unnecessary and undesired regulatory body. Since her government is unable to enforce the Canada Corporations Act and the rights of the shareholders, how can the government expect to regulate a national securities commission effectively?

Senator LeBreton: Honourable senators, we can play the revisionist history game all we want, but the government's revenues were increased in the 1990s as a result of the policies of the Brian Mulroney government on the free trade agreement and on tax restructuring. When the honourable senator's government confronted the deficit, they reduced it on the backs of the provinces and territories by cutting back significantly on health care and education transfers.

With regard to the securities regulator, I have said before and I say again that this initiative is voluntary. The government has asked the Supreme Court of Canada to provide legal certainty on Parliament's authority to establish a Canadian securities regulator. We await the deliberations of the court. Again, however, the honourable senator can hardly say that a voluntary initiative is something that we are forcing on the provinces.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to present nine answers to oral questions: by Senator Losier-Cool, on November 16, 2010, concerning Foreign Affairs, Closure of Diplomatic Offices—Aid to Africa; by Senator Rivest, on November 16, 2010, concerning Foreign Affairs, Closure of Diplomatic Offices—Aid to Africa; by Senator Mitchell, on November 16, 2010, concerning

Transport—the Green Infrastructure Fund; by Senator Mercer, on November 24, 2010, concerning the Sydney Harbour Dredging Project; by Senator Callbeck, on November 30, 2010, concerning National Revenue—the Canada Revenue Agency Website; by Senator Dallaire, on December 2, 2010, concerning the Quebec City Armoury; by Senator Pépin, on December 8, 2010, concerning National Defence—Surviving Families of Deceased Soldiers; by Senator Moore, on December 8 and 9, 2010, concerning Industry—F-35 Aircraft Purchase; and by Senator Peterson, on December 15, 2010, concerning Transport—Rail Freight Service.

FOREIGN AFFAIRS

CLOSURE OF DIPLOMATIC OFFICES—AID TO AFRICA

(Response to questions raised by Hon. Rose-Marie Losier-Cool and Hon. Jean-Claude Rivest on November 16, 2010)

This government maintains a network of embassies and offices abroad as a key asset and the front-line of Canadian international engagement. Canada uses the network to advance Canadian diplomatic and commercial interests, and to deliver vital consular, visa, and commercial services to Canadians abroad. Every year the Department of Foreign Affairs and International Trade Canada reviews its network of missions abroad, to ensure that Canada's footprint abroad continues to provide the best possible value and services for Canadians. Over the past five years, more new missions have opened than have closed.

As Prime Minister Harper noted in Seoul for the G20 summit, Canadian assistance to Africa is an 'ongoing priority' for his government. At the meeting of La Francophonie in Montreux, Switzerland, he announced nine new projects by which Canada will help over 400,000 people across Africa in the countries of La Francophonie to curb chronic hunger, grow food and find markets to sell their products; protect an estimated 700,000 children from sexual violence in the Great Lakes Region; and support partners in Africa in key areas such as environmental sustainability, nutritional education, access to microfinance and the healthy development of children through training educators, medical staff and parents.

Canada's commitment to Africa remains strong. We have doubled aid from 2004-05 levels to \$2.1 billion in 2008-09 and maintained this level in 2009-10. As part of the joint G8 pledge on food security, Canada will more than double its investment in sustainable agriculture and provide \$600 million in increased funding over three years, reaching \$1.18 billion in overall funding.

Canada is doing its part to help Africa achieve the UN's Millennium Development Goals. Consultations with African countries in the lead up to the Muskoka Summit helped to shape the G8 initiative on maternal, newborn and child health, which will see the mobilisation of more than \$7 billion. Eighty percent of Canada's funding to this initiative will go to Africa. Canada has untied all its food aid and has committed to untie all bilateral assistance by 2013. Not only will this improve aid by increasing its impact, it will enable us to respond better to the needs of African

countries. Again, as the Prime Minister pointed out on November 11, 2010, the government plans to contribute \$326 million over three years to replenish the African Development Fund, starting in 2011, as part of a G20 commitment that was made in 2009.

Development assistance is only one aspect of our relationship with Africa. Trade and investment are growing more important each year. Trade between Canada and Africa has grown at 16.8% a year from 1998 to 2008 and has more than doubled between 2000 and 2009. Mining assets, a major area of Canadian economic engagement, has boomed from \$3 billion in 2003 to \$23 billion in 2010. Countries that some years ago were solely aid recipients are now trading partners.

On the question of embassies, like other governments the Canadian government continually monitors its representation abroad and periodically shifts resources to meet Canadian needs in an ever-changing world. All governments must from time to time monitor their representation abroad and shift their resources to meet changing realities worldwide.

This government has designed mission openings and closings in order to have a network abroad in the right places, with the right people and doing the right things to get tangible results for Canadians.

ENVIRONMENT

CLIMATE CHANGE POLICY

(Response to question raised by Hon. Grant Mitchell on November 16, 2010)

Canada's Economic Action Plan announced two new major initiatives to support green projects:

- The Clean Energy Fund (CEF) administered by Natural Resources Canada and
- The Green Infrastructure Fund (GIF) administered by Infrastructure Canada.

Unlike most other Economic Action Plan measures, the GIF was announced in Budget 2009 as a five-year \$1 billion fund supporting infrastructure projects that promote cleaner air, reduced greenhouse gas emissions and cleaner water. As of January 17, 2011, 18 green infrastructure projects had been announced for a total of \$627 million in federal funding.

For fiscal year 2009-2010, \$200 million was provided through the *Budget Implementation Act, 2009*. As reported in the 6th Report to Canadians, the actual amount expended in 2009-10 was \$5 million. This funding was in support of the Yukon Green Energy Legacy project. The Yukon Green Energy Legacy Project was the first project announced under the GIF.

It is important to remember that the GIF is a five-year program that funds larger-scale strategic projects of national or regional significance. Such projects typically require longer lead time for the planning, engineering and development stages which results in a smaller amount of expenditures in the early years and larger expenditures during the construction phase in the later years.

Moreover, as is the case for all programs managed by Infrastructure Canada, the federal government is a funding partner and does not manage or control the construction of infrastructure projects. Federal funding for approved projects flows as construction proceeds and costs are incurred. Once the federal government has approved the project, the pace at which the project gets built and funds flow depends on claims submitted by the proponent and is not within the federal government's control. Once claims are submitted, the federal government pays all eligible costs within 30 days.

It is important to note that any unspent funding in 2009-2010 under the GIF has not been lost, but reprofiled to future years to meet the cash flow requirement of our partners.

ATLANTIC CANADA OPPORTUNITIES AGENCY

SYDNEY HARBOUR PROJECT— ATLANTIC GATEWAY STRATEGY

(Response to question raised by Hon. Terry M. Mercer on November 24, 2010)

Prime Minister Stephen Harper announced on December 10th, 2010, the Government of Canada will support work to deepen Sydney Harbour. The upgrades will create new jobs, increase opportunities for local businesses and help the region prosper.

The Government of Canada is making this \$19 million commitment to this important regional economic development project through the Enterprise Cape Breton Corporation to make sure Sydney Harbour can take full advantage of the economic opportunities ahead.

The dredging of Sydney will help enhance the competitiveness of Cape Breton businesses and strengthen their position within the global economy.

NATIONAL REVENUE

CANADA REVENUE AGENCY WEBSITE

(Response to question raised by Hon. Catherine S. Callbeck on November 30, 2010)

The Canada Revenue Agency (CRA) recognizes that excellence in written communications is fundamental in effectively administering Canada's self-assessment tax system.

Canada's tax laws are complex, and the CRA can help Canadians understand their filing obligations and benefit entitlements by providing them with clear, concise, and accurate information.

The Canada Revenue Agency currently organizes information on its Web site by audience segment in order to make it easier for Canadians to find the information they are seeking.

The CRA has a strategic plan for the evolution of the CRA website. The plan identifies a number of initiatives that will make the content of the website easier to find and easier to use. These initiatives are currently underway and are scheduled to be completed by March 2012.

Such initiatives include:

- Redesign of the CRA home page and key content pages;
- Introduction and/or improvement of electronic services for individuals and businesses;
- Enhanced search capacity (new search tool).

In order to better serve Canadian business, the CRA has also included such features as "webinars" (online seminars) to answer questions from businesses.

The CRA continues to evaluate the effectiveness of its website and is committed to the continuous improvement of its services to Canadians.

PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

QUEBEC CITY ARMOURY

(Response to question raised by Hon. Roméo Antonius Dallaire on December 2, 2010)

The Voltigeurs de Québec Armoury was built in 1887 and was declared a National Historic Site by the Government of Canada in 1986. This heritage building is considered the historic home of the oldest French-Canadian regiment still in existence — the Voltigeurs.

On April 4, 2008, the Grande-Allée was severely damaged by fire. Several days later, Prime Minister Stephen Harper and Josée Verner, Minister responsible for the Quebec City Region, confirmed that the Government of Canada intended to explore all options for the reconstruction of the Armoury, a symbol of Quebec City's proud military history.

To allow for the reconstruction, the government took action in April 2008 to clean up the site and protect what remained of the building. This important work, carried out by the Department of National Defence and Public Works and Government Services Canada, was completed in October 2009. Several expert technical studies were also undertaken.

Budget 2009 confirmed the earlier commitment by Prime Minister Harper and Minister Verner and allocated \$2 million for the development of a plan for the future of the Armoury and options for reconstruction.

On April 4, 2009, Minister Verner announced a public consultation to allow Quebec City residents and interested stakeholders to submit proposals for the Armoury. The consultation took place in May and June of 2009 and included a public meeting as well as a questionnaire that could be completed on-line or sent by mail. A report on the consultation was made public on September 29, 2009. Overall, it indicated that the public wished to maintain the original appearance and heritage character of the Armoury, the historic and commemorative nature of the site, the accessibility of the building and multi-functional use. The final report is available at: <http://www.tpsgc-pwgsc.gc.ca/que/region/text/manege-armoury/rapport-report/index-eng.html>

In October 2009, the Government hired a real estate firm to prepare a feasibility study on the cost benefits of the submissions received. The firm presented its report to Public Work and Government Services Canada in December 2009. In March, Budget 2010 confirmed that the Government of Canada was firmly committed to the reconstruction of the Armoury.

The plan announced in June 2010 by Minister Verner proposes that reconstruction lead to a multi-functional building. As such, it will include a commemoration to the Armoury's military history, federal government office space, and a multipurpose room available for community and social activities. Lastly, the Armoury will serve as the administrative and ceremonial home of the Voltigeurs Regiment.

Now that the future functions of the Armoury have been determined, preparations for the reconstruction can begin. Over the course of the next two years (2010-2011), a series of rehabilitation projects and technical analyses will be undertaken that will enable the reconstruction plan to be carried out. This work will cost an estimated \$3.5 million.

A comprehensive study on the optimal use of the Armoury's interior space will be done to determine where the building's various functions will be located and identify potential occupants.

Currently, work is being done to clean up the interior fire and water damage in the existing structure. This includes rehabilitating the masonry, cleaning the ceiling, solidifying the building's structure and installing temporary heating and cooling systems. This complex work is crucial and must be accomplished before the reconstruction phase is able to begin.

The first phase of an invitation to tender for the development of the architectural concept and the design drawings of the new Armoury has also been completed. The chosen concept and drawings will be unveiled to the people of Quebec City, followed by an invitation to tender for the plans, cost estimates and reconstruction.

All work on the Armoury will be done in such a way that the heritage designation of this Canadian national historic site is preserved. As a result, the above-mentioned steps are vital as we move towards our anticipated reconstruction timeline of 2014-2016.

NATIONAL DEFENCE

SURVIVING FAMILIES OF DECEASED SOLDIERS

(Response to question raised by Hon. Lucie Pépin on December 8, 2010)

Given the present protocol, some Administrative Investigations into the cause of sudden death of soldiers can take more time than others, especially when Boards of Inquiry are conducted in parallel with police investigations.

The present protocol is as follows: upon the death of a Canadian Forces (CF) member, a Board of Inquiry is typically conducted to ascertain what has happened, why, and how the CF can prevent a re-occurrence. At the onset of the investigation, the President of the Board of Inquiry (BOI) will conduct an **initial meeting** with the family representative designed to:

- provide a briefing on the investigative process;
- discuss the probable timelines for the investigation;
- identify the type of information the family representative can expect to receive during the investigation;
- inform that a briefing will be arranged to review the finding and recommendations once the convening authority endorses the investigation report for staffing to the next level of review; and
- inform and discuss the release of a severed copy of the investigation report at a formal meeting with the family representative once it has been approved by the approving authority.

The family representative remains informed on the progress of the investigation through regular updates throughout the entire process. During the conduct of the investigation, the primary focus is to pass on information on the investigative activities and general information (i.e., number of witnesses interviewed, portions of the investigation that are complete, etc.), **without releasing specific information pertaining to any person or evidence under review.**

CF policy is to invite the family representative to attend all testimony unless there are specific reasons to the contrary. The decision to allow a family representative to attend witness sittings will be governed by the concepts of openness and fairness while maintaining the integrity of the investigative process. When making a decision as to family inclusion, the convening authority, in collaboration with the president, must consider several factors, including:

- the practicality for the family representative member to attend. For instance, is the investigation being conducted in a theatre of operations, at sea or in any location where it would be impractical to transport, administer and provide security for civilians?;
- the requirement to ensure confidentiality;
- the risk of exposing the family representative to evidence that has not been analyzed or placed into context;
- the requirement to protect classified or information pertaining to CF operations; and
- the requirement to protect information provided by third party agreements of non-disclosure.

Following the review of the BOI report by the convening authority, the family representative is briefed on the findings and recommendations made by the board. This briefing is normally given by the president; however, depending on the circumstances, could also be given by the convening authority. The report is then sent upward through the chain of command for review, until it is approved by either the Chief of Defence Staff (CDS) or the Director of Casualty Support Management (DCSM). Once the report receives final approval, the family representative is briefed and provided with a severed copy of the report. This protocol has been in place for the past four years. It has been observed that issues of delay and sharing of information typically occurs with older cases (pre 2006); hence, the CF is confident that new cases handled under the current process will not experience the same issues.

The CF does everything within its power to help military families better understand and accept the death of their loved ones and is always striving to do better. Furthermore, the CF appreciates that some families feel they have not been well-enough informed about boards of inquiry into the deaths of their loved ones. The CF recognizes that it is important to include family members throughout the board of inquiry process to ensure transparency on all matters.

In terms of recommendations contained within a BOI report, after the convening authority has signed-off on a report, the review cycle begins and can consist of up to four levels before final approval of the report is obtained. Given the complexity and volume of material to be reviewed, the review process can take up to six months for straightforward BOIs and up to two years for those that are more complicated. The family representative is kept informed on a regular basis, throughout the entire process. In recent months, the CF has implemented new measures and identified others that are currently being considered for implementation. These initiatives will expedite the

investigative process and eliminate some review levels in order to provide families with quicker closure on these issues. It is anticipated that these new measures will reduce the time of completion of standard boards of inquiry significantly.

F-35 AIRCRAFT PURCHASE

(Response to questions raised by Hon. Wilfred P. Moore on December 8 and 9, 2010)

Hon. Wilfred P. Moore: According to the documents in the Pentagon, the United States Department of Defence estimates that the Canadian share of industrial spin-offs from the F-35 fighter jet purchase to be about \$3.9 billion. Meanwhile, the Conservative government maintains that \$12 billion will be awarded to Canada. Can the leader account for this discrepancy?

The \$ 3.9 billion refers to an outdated study from the Department of Defence written back in June 2003, three years before Canada signed the Industrial Participation Memoranda of Understanding with the three prime contractors (Lockheed Martin, Pratt & Whitney and Rolls Royce/General Electric Fighter Engine Team). As part of these Memoranda of Understanding, each prime contractor provides Industry Canada with periodic updates on the value of Joint Strike Fighter work opportunities; currently, the value of these opportunities is estimated at \$12 billion.

The Aerospace Industries Association of Canada (AIAC) has estimated in its *2010-11 Guide to Canada's Aerospace Industry* that the Canadian Aerospace Industry comprises over 400 firms located in every region of the country, providing highly skilled, highly paid employment to more than 80,000 Canadians. The AIAC has made it clear that the F-35 program is critical to the aerospace workforce in Canada, and that Canada's continued commitment to the F-35 program is necessary for the F-35 industrial opportunities to be realized.

Hon. Wilfred P. Moore: I would like to know the guaranteed amount of the regional industrial benefits.

Rather than only benefiting from the work equivalent to the value of 65 planes that we have committed to purchasing, the Government has given Canadian companies a clear competitive advantage by ensuring priority access to the global supply chain for over 3,100 new planes to be purchased by partner countries and up to 2,000 planes that could be produced for non-partner countries, as they replace their aging fighter jets. This will help ensure that Canadian firms have access to long term, high technology opportunities that will position them to take advantage of future advanced aerospace and defence projects.

As the program moves into full production, Canadian companies have the opportunity to grow their participation into a potential \$12 billion in work. Further opportunities will be available to Canadian industry in areas such as sustainment, maintenance, repair, training and simulation.

TRANSPORT

RAIL FREIGHT SERVICE

(Response to question raised by Hon. Robert. W. Peterson on December 15, 2010)

A major review of rail freight service in Canada has been completed, as part of the Government's strategy to identify ways to improve the efficiency, effectiveness and reliability of the rail-based logistics system. The Review has been conducted in two phases. Phase 1 of the Review consisted of analytical work to achieve a better understanding of the nature and extent of problems within the logistics chain. Phase 2 was led by an independent three-person panel that consulted extensively, and received written submissions from over 140 different stakeholders from across the rail-based logistics chain.

The Panel released its Interim Report on October 8, 2010, which was posted on the Rail Freight Service Review website and sent to stakeholders for comment. On December 22, 2010, after considering feedback from stakeholders, the Panel submitted its final report to the Minister, to be translated and printed. Once that has been completed, the Government will finalize plans for the release of the report.

ORDERS OF THE DAY

MOTOR VEHICLE SAFETY ACT CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill S-5, An Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999, and acquainting the Senate that they had passed this bill without amendment.

BUDGET 2010

INQUIRY WITHDRAWN

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau calling the attention of the Senate to the budget entitled, *Leading the Way on Jobs and Growth*, tabled in the House of Commons on March 4, 2010, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on March 9, 2010.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given the lack of interest shown in this inquiry over the past weeks, I move, with your permission, that this inquiry be withdrawn from the Order Paper.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(Inquiry withdrawn)

[English]

TARTAN DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Mockler, for the second reading of Bill S-222, An Act respecting a Tartan Day.

Hon. Elizabeth Hubley: Honourable senators, it is my intention to speak to this bill in the next few days, so I want to adjourn debate again in my name for the remainder of my time.

(On motion of Senator Hubley, debate adjourned.)

STUDY ON COSTS AND BENEFITS OF ONE-CENT COIN

EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on National Finance, entitled: *The Costs and Benefits of Canada's One-Cent Coin to Canadian Tax Payers and the Overall Economy*, tabled in the Senate on December 14, 2010.

Hon. Irving Gerstein moved the adoption of the report.

He said: Honourable senators, it is indeed a pleasure today to rise to speak on the eighth report of the Standing Senate Committee on National Finance, entitled: *The Costs and Benefits of Canada's One-cent Coin to Taxpayers and the Overall Canadian Economy*, which is the committee's response to a motion adopted by the Senate on April 27, 2010.

This report is the culmination of a most interesting, in-depth study conducted by the committee under the capable stewardship of our chair, Senator Day. I particularly thank Senator Day for graciously suggesting that I move the motion to adopt the report on the penny and initiate this debate. I also express my appreciation to all members of the committee for the enthusiastic and non-partisan manner in which they approached the issue.

Honourable senators, this study was unique in my senatorial experience and perhaps even in the experience of every member of our committee in that every single witness who appeared before us was of like mind. They agreed unanimously that the time to remove the penny from circulation has come. These witnesses included independent economists, foreign governments, retailers, consumers, charitable organizations, financial institutions, vending machine operators, coin collectors, the Royal Canadian Mint and the Bank of Canada.

In addition, the vast majority of commentary that followed the release of the committee's report has also been positive. Virtually every newspaper across the country published a favourable editorial, radio and television talk shows buzzed about the report, and comments made by my friend and colleague Senator Neufeld at the press conference in which he and Senator Day most ably unveiled the committee's recommendations were even published in the *Turkish Republic*.

Today, I will reiterate some of the strong reasoning underlying the Finance Committee's recommendations.

Honourable senators, over 20 billion Canadian one-cent coins are deemed to be in circulation today. That amounts to roughly 600 pennies for every man, woman and child in Canada. Laid end to end, they would extend around the equator almost 10 times.

Honourable senators will note that I say these pennies are deemed to be in circulation, because most of them are not actually circulating. A large majority of Canadians simply do not use pennies in their commercial transactions. The reality is that most pennies end up being hoarded in tin cans, desk drawers and automobile cup holders.

• (1510)

This situation brings to mind a very well-known fable — and I know that Senator Mercer always enjoys a good fable — a fable written some 2,600 years ago by none other than Aesop who, coincidentally, was born just off the coast of Turkey — a country to which I referred just a moment ago — on the island of Samos in the year 620 BC. It appears that people in that region have long been interested in issues related to currency.

Honourable senators, the legendary Aesop wrote of a miser who buried a stash of gold in a field. He checked it every day, but never took it out. One day his gold was stolen. A neighbour who had heard of the miser's plight advised him to place stones in the hole where the gold had been and simply pretend the gold was still there. After all, said the neighbour, since he never intended to spend his gold, surely the stones would do him just as much good.

Honourable senators, the moral of this story is so appropriate to our study. I quote the great Aesop himself, who said, "The worth of money is not in its possession, but in its use."

Honourable senators, this is the heart of the issue before us. The penny has very little use. In today's economy, nothing can be bought for a penny or even two pennies or three pennies. As I have said before, the penny is a piece of currency that, quite frankly, lacks currency. It is a financial fossil; a monetary relic; an economic artefact. It is a numismatic residue of a bygone era. Hence, it is time for the penny to go the way of the things it used to pay for: penny candy, penny arcades, penny dreadfuls and the penny press.

To emphasize my point, honourable senators, I quote for the first and probably only time in my life the philosopher Karl Marx. In one of his more inspired moments, perhaps anticipating a study such as ours, Marx declared, "Nothing can have value without being an object of utility."

Honourable senators, the penny simply fails to meet this criterion. The penny has no utility. In fact, the evidence heard by our committee indicates that the penny is even worse than obsolete. It is actually a detriment to the economy. It costs Canadian taxpayers nearly 1.5 cents to put a new penny into circulation and, once the new penny has entered circulation, it has only just begun its career as a drain on the economy.

With the indulgence of honourable senators, I again consult ancient history for wisdom. This time I reach back not quite as far as Aesop, but merely to the 4th century BC to quote from the Old Testament, with which I am somewhat acquainted.

Job, the biblical embodiment of patience and long suffering — something we Conservatives have experienced our share of over the years, but I digress — declared in the Book of Job, Chapter 14, Verse 14, King James Version:

All the days of my appointed time will I wait, till my change comes.

Honourable senators, Canadians could be forgiven for believing that Job was referring to the time spent waiting at checkout counters while pennies are counted. The Senate Finance Committee was told about a study conducted in 2003 by Professor Timothy Fisher of the Department of Economics at Wilfrid Laurier University and Mr. Dinu Chande. Mr. Chande told our committee:

... we considered the additional time that pennies can add to transactions as either consumers or retailers count out the pennies to make change, and we applied an average wage to this lost time. The result was tens of millions of dollars of lost productivity every year attributed to the penny.

The Desjardins Group, in a 2005 study, estimated the total cost of using the penny, including costs to taxpayers, retailers, consumers and financial institutions, to be over \$130 million per year.

Honourable senators, the upside of getting rid of the penny could not be more clear. You should know that during our hearings our committee went to great lengths to study any potential downside as well. Frankly, honourable senators, your committee found none.

Having said that, some concerns naturally arose in relation to eliminating the one-cent denomination from Canada's currency system. Foremost among these is the potential impact of price rounding on inflation. This issue was exhaustively studied and was put to rest as a result of the unanimous testimony of the eminent witnesses who appeared before us. These witnesses included Mr. Pierre Duguay, Deputy Governor of the Bank of Canada; Mr. Dinu Chande; Professor John Palmer of the University of Western Ontario; and François Dupuis and Jean-Pierre Aubry of the Desjardins Group. All of these witnesses predicted no inflationary impact whatsoever as a result of the removal of the penny from circulation.

In addition, international experience also supports this view. In fact, when New Zealand eliminated its one- and two-cent coins by a process very similar to that proposed by the Standing Senate

Committee on National Finance, an independent consumer group found that prices actually fell slightly because retailers rounded prices down as a marketing strategy.

Honourable senators, it is important to note that sticker prices would not change if the penny were removed from circulation. Rounding would be applied only at the cash register and only to the total price of all items purchased after taxes were added. There would be a one- or two-cent benefit to the retailer in some transactions and an equivalent benefit to the consumer in other transactions, with the net result that the consumer would break even.

I realize, honourable senators, that a penny may seem a trivial matter in light of the major issues facing Canada and the world today. However, the cumulative impact of pennies on the Canadian economy is significant, and the principle underlying this issue is more significant still. It is a fundamental economic axiom that rational decision makers, which certainly includes all honourable senators, should avoid incurring costs that exceed the resulting benefits. That principle should guide the government's use of taxpayers' money, especially in our current challenging fiscal climate. Taxpayers simply should not be compelled to pay for something they regard as worthless, much less something that is detrimental to their own interests. The penny falls into this category.

In closing, honourable senators, it was none other than Mahatma Gandhi who implored his followers, "Be the change you wish to see in the world." It is my fervent hope that the government will embrace the spirit of Gandhi's words by acting on the recommendation of the Senate Committee on National Finance because, honourable senators, the change Canadians want to see no longer includes the penny.

Hon. Sharon Carstairs: Will the honourable senator accept a question?

Senator Gerstein: Yes.

Senator Carstairs: Honourable senators, as a teacher for many years, I was always concerned when I assigned my students a reading which they could not understand because the context was no longer available to them. For example, "a penny saved is a penny earned," and "Watch your pennies and the pounds will look after themselves."

What program does the Senate committee have in place to ensure that there will be a lexicon to explain to future students what these pennies used to mean?

Senator Gerstein: That is a very good question, but it is not the one that I anticipated. I thought — and perhaps this will answer the honourable senator's question — that students could spend more time reading the Bible. I thought the question was going to be where to find the Book of Job, which is between the Book of Esther and the Book of Psalms.

Having said that, we will just let the whole situation reinvigorate itself. I am sure our students in the future will be delighted to know new sayings but there still will be pennies from heaven coming down.

• (1520)

Some Hon. Senators: Hear, hear!

Hon. Hugh Segal: Honourable senators, will the honourable senator take a question?

Senator Gerstein: With pleasure.

Senator Segal: Honourable senators, let me express, in the preamble to the question, my concern, and I know the senator will have an answer to the question in that articulate way he always does.

I am always concerned about removing any piece of our currency system that bears Her Majesty's likeness, which the penny does. Does Senator Gerstein share that concern?

What do we do about the way in which we have introduced young people and kids over time to penny savings banks, and to the notion that saving a little bit, putting a little bit aside is one of those things to which all kids should aspire? Pennies are something they can afford to save with. The roll of pennies has been brought into the bank by kids with their grandparents and others.

The honourable senator is throwing this tradition away as he quotes Karl Marx, which causes me great concern for reasons Senator Gerstein will understand. Neither Karl Marx nor Mahatma Gandhi ever held a membership in the Conservative Party of Canada, for good and substantial reason, but Senator Gerstein's easy evocation of their proposition should cause us all concern.

What will happen to the 99 cent special or the \$4.99 special? Over the centuries, these specials have become fundamental pieces of our commercial frame of reference. What will happen to the strong sense of community that we all have when we approach a cash register in a small store in our community that has a sign that says, "have a penny, take a penny?" What will happen when that sign disappears along with the way we have always helped each other in a community way?

I am troubled that the senator would throw this asunder in a fashion that seems to be disrespectful of our core traditions. Can the senator guarantee that if it is the penny now, the nickel is not next? Where does this stop?

Some Hon. Senators: Hear, hear!

Senator Gerstein: I am very concerned that Senator Segal is so dismayed by this report which, of course, was received unanimously.

Honourable senators, I do not really know where to start as the senator covered such a myriad of issues. The single greatest assurance we received from witnesses was that should the penny be eliminated the sky will not fall tomorrow. I do not know whether honourable senators are at the point of having the privilege of grandchildren, but I can tell you that they, having six of my own, still enjoy a piggybank but have moved on with inflation. The piggybank is now filled with nickels and dimes. I want to be absolutely honest —

An Hon. Senator: And dollars.

Senator Gerstein: — or loonies or whatever it may be. Take heart, senator; I think the world will unfold and not to your great dismay.

(On motion of Senator Neufeld, debate adjourned).

THE SENATE

MOTION TO URGE GOVERNMENT TO PROVIDE FUNDING FOR DEVELOPMENT OF NATIONAL BRAIN STRATEGY—DEBATE ADJOURNED

Hon. Sharon Carstairs, pursuant to notice of December 8, 2010, moved:

Whereas the Senate of Canada recognizes that brain conditions, including developmental, neurological and psychiatric diseases, disorders, conditions and injuries, are a priority health, social and economic issue threatening the well-being and productivity of Canadians;

Whereas 5.5 million Canadians are living with a neurological disease, disorder, or injury and an estimated one in three Canadians will be affected by a neurological or psychiatric disease, disorder or injury at some point in their life;

Whereas the federal government has a leadership and coordination role with regards to health care in Canada; and

Whereas a targeted, coordinated National Brain Strategy developed in collaboration with government, non-profit and private sector stakeholders and focusing on innovative approaches to address research, prevention, integrated care and support, caregiver support, income security, genetic discrimination and public education and awareness would minimize the impact of brain conditions in Canada;

Be it resolved that the Senate of Canada urge the Government to provide funding for the development of a National Brain Strategy for Canada; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

She said: Honourable senators, evidence suggests that 11 million Canadians are living with a brain condition. Brain conditions include developmental, neurological, those things caused by injuries, which amount to about 5.5 million Canadians. Another 5.5 million Canadians suffer from psychiatric disorders. There are over 1,000 of these diseases, conditions and injuries affecting the brain, spinal cord and nervous system. Dementia, Alzheimer's, multiple sclerosis, epilepsy, cerebral palsy, brain tumours, autism, schizophrenia, spinal cord injuries, and brain stem injuries, these are just a few of the conditions that affect the health, social and economic well-being of Canadians.

Honourable senators, the brain is a complex organ made up of approximately 100 billion neurons. In the past 15 years, researchers have learned much about the functioning of the

human brain, but they still have far to go in understanding this organ that is critical to our health and our well-being. What they do know is that brain conditions do not discriminate. They affect the young and the old. They affect the rich and the poor. They affect women and they affect men. They involve a complex interplay of genetic and environmental factors that can strike at any time. Many diseases are degenerative and progressive and most, at the present time, have no known cure. Even when therapies may exist to treat a condition, often they only slow but do not halt its progression.

One in three Canadians, therefore, will be affected by neurological or psychiatric disease, disorder or injury at some point in their lives. This figure, regrettably, is expected to increase with population aging.

• (1530)

For example, approximately half a million Canadians are affected by dementia today, or one in every 11 Canadians over the age of 65. We will see that number increased 2.3 times by the year 2038. Dementia is only one of the conditions that would be covered by a national brain strategy.

Brain health is more than just an important health concern. Immediate action is required to develop a national policy framework to deal with the social and economic impact of brain conditions.

Health Canada has conservatively evaluated the economic burden of neurological and psychiatric illness at \$22.7 billion, but this estimate fails to take into account suffering and disability that do not result in death and hospitalization because Health Canada has used mortality data to arrive at that figure. However, the leading causes of mortality are not the same as the leading causes of disability; nor does the estimate account for lost productivity and psychological costs to patients, their caregivers and other family members. When disability is included, the economic burden is much higher.

Brain disorders are among the leading causes of death in Canada and are the leading cause of disability. The progressive and degenerative nature of many of these conditions has a serious impact on patients and their caregivers. Often progressive disability means serious long-term care needs, loss of income and loss of productivity, often not only for the patient but for immediate family members.

The federal government is uniquely placed to play a leadership and coordination role in the development of a national brain strategy. It already has committed to a \$15-million, four-year National Population Health Study of Neurological Conditions, jointly led by Neurological Health Charities Canada and the Public Health Agency of Canada.

The study was launched in June 2009 and is expected to be completed in 2013. Its purpose is to fill gaps in knowledge about the state of neurological conditions in Canada and the experiences of individuals with neurological conditions, their families and caregivers. However, to be able to act upon the research findings, work needs to be done now to develop the framework of a national brain strategy.

Honourable senators, we need a targeted, coordinated national brain strategy developed in collaboration with government, non-profit and private-sector stakeholders. The strategy needs to focus on innovative approaches to address research, prevention, integrated care and support, caregiver support, income security, genetic discrimination, and public education and awareness.

An investment in a national brain strategy now will leverage the government's current investment in this study by building collaborative partnerships and positioning governments and private and non-profit stakeholders to act quickly on research results.

We know that the burden of brain conditions is not lessening. It is increasing at alarming rates. It is estimated that within the next 20 years, brain disorders will become the leading cause of death

and disability in Canada. The longer we wait, the more difficult it is for those who suffer from a brain condition and the longer before we can implement policy decisions and practices that can alleviate the burden for those with the disorders and their families.

I ask honourable senators to support this motion calling on the federal government to provide financial support to a national brain strategy, and that a message be sent to the other place asking them to unite with us in this regard.

(On motion of Senator Comeau, debate adjourned.)

(The Senate adjourned until Wednesday, February 2, 2011, at 1:30 p.m.)

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

THE SPEAKER

The Honourable Noël A. Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable James S. Cowan

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Gary W. O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Kevin MacLeod

THE MINISTRY

(In order of precedence)

(February 1, 2011)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. Jean-Pierre Blackburn	Minister of Veterans Affairs and Minister of State (Agriculture)
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Chuck Strahl	Minister of Transport, Infrastructure and Communities
The Hon. Peter Gordon MacKay	Minister of National Defence
The Hon. Stockwell Day	President of the Treasury Board and Minister for the Asia-Pacific Gateway
The Hon. Vic Toews	Minister of Public Safety
The Hon. Rona Ambrose	Minister of Public Works and Government Services and Minister of State (Status of Women)
The Hon. Diane Finley	Minister of Human Resources and Skills Development
The Hon. Beverley J. Oda	Minister for International Cooperation
The Hon. John Baird	Leader of the Government in the House of Commons
The Hon. Lawrence Cannon	Minister of Foreign Affairs and Minister of State
The Hon. Tony Clement	Minister of Industry
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	President of the Queen's Privy Council, Minister of Intergovernmental Affairs and Minister for La Francophonie
The Hon. Peter Van Loan	Minister of International Trade
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Jason Kenney	Minister of Citizenship, Immigration and Multiculturalism
The Hon. Christian Paradis	Minister of Natural Resources
The Hon. James Moore	Minister for Official Languages and Minister of Canadian Heritage
The Hon. Leona Aglukkaq	Minister of Health
The Hon. Lisa Raitt	Minister of Labour
The Hon. Gail A. Shea	Minister of Fisheries and Oceans
The Hon. Keith Ashfield	Minister of National Revenue, Minister of the Atlantic Canada Opportunities Agency and Minister for the Atlantic Gateway
The Hon. Peter Kent	Minister of the Environment
The Hon. John Duncan	Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency
The Hon. Gary Lunn	Minister of State (Sport)
The Hon. Gordon O'Connor	Minister of State and Chief Government Whip
The Hon. Diane Ablonczy	Minister of State of Foreign Affairs (Americas and Consular Affairs)
The Hon. Rob Merrifield	Minister of State (Transport)
The Hon. Lynne Yelich	Minister of State (Western Economic Diversification)
The Hon. Steven John Fletcher	Minister of State (Democratic Reform)
The Hon. Gary Goodyear	Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario)
The Hon. Denis Lebel	Minister of State (Economic Development Agency of Canada for the Regions of Quebec)
The Hon. Rob Moore	Minister of State (Small Business and Tourism)
The Hon. Ted Menzies	Minister of State (Finance)
The Hon. Julian Fantino	Minister of State (Seniors)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(February 1, 2011)

Senator	Designation	Post Office Address
THE HONOURABLE		
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	South Shore	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P., P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.

Senator	Designation	Post Office Address
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Romeo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A. A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Bert Brown	Alberta	Kathyrn, Alta.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Fred J. Dickson	Nova Scotia	Halifax, N.S.
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rochesay, N.B.
Michel Rivard	The Laurentides	Quebec, Que.
Nicole Eaton	Ontario	Caledon, Ont.
Irving Gerstein	Ontario	Toronto, Ont.
Pamela Wallin	Saskatchewan	Kuroki Beach, Sask.
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Daniel Lang	Yukon	Whitehorse, Yukon
Patrick Brazeau	Repentigny	Gatineau, Que.
Leo Housakos	Wellington	Laval, Que.
Suzanne Fortin-Duplessis	Rougemont	Quebec, Que.c
Donald Neil Plett	Landmark	Landmark, Man.
Michael Douglas Finley	Ontario—South Coast	Simcoe, Ont.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Vim Kochhar	Ontario	Toronto, Ont.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
David Braley	Ontario	Burlington, Ont.
Salma Ataullahjan	Toronto—Ontario	Toronto, Ont.
Don Meredith	Ontario	Richmond Hill, Ont.
Larry W. Smith	Saurel	Hudson, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(February 1, 2011)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Ataullahjan, Salma	Toronto—Ontario	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Braley, David	Ontario	Burlington, Ont.	Conservative
Brazeau, Patrick	Repentigny	Gatineau, Que.	Conservative
Brown, Bert	Alberta	Kathryn, Alta.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude	Mille Isles	Saint-Eustache, Que.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauson	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Conservative
Dickson, Fred J.	Nova Scotia	Halifax, N.S.	Conservative
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Conservative
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Finley, Michael Douglas	Ontario—South Coast	Simcoe, Ont.	Conservative
Fortin-Duplessis, Suzanne	Rougemont	Quebec, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gerstein, Irving	Ontario	Toronto, Ont.	Conservative
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S.B.	British Columbia	North Vancouver, B.C.	Liberal
Johnson, Janis G.	Manitoba	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Kochhar, Vim	Ontario	Toronto, Ont.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
Lang, Daniel	Yukon	Whitehorse, Yukon	Conservative
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Tracadie-Sheila, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Manning, Fabian	Newfoundland and Labrador	St. Brides's, Nfld. & Lab.	Conservative
Marshall, Elizabeth (Beth)	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Meredith, Don	Ontario	Richmond Hill, Ont.	Conservative
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oliver, Donald H.	South Shore	Halifax, N.S.	Conservative
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivard, Michel	The Laurentides	Quebec, Que.	Conservative
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Seidman (Ripley), Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Smith, Larry W.	Saurel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Wallace, John D.	New Brunswick	Rothsay, N.B.	Conservative
Wallin, Pamela	Saskatchewan	Kuroki Beach, Sask.	Conservative
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A. A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(February 1, 2011)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Anne C. Cools	Toronto Centre-York	Toronto
3 Colin Kenny	Rideau	Ottawa
4 Consiglio Di Nino	Ontario	Downsview
5 Michael Arthur Meighen	St. Marys	Toronto
6 Marjory LeBreton, P.C.	Ontario	Manotick
7 Marie-P. Poulin	Northern Ontario	Ottawa
8 Francis William Mahovlich	Toronto	Toronto
9 Vivienne Poy	Toronto	Toronto
10 David P. Smith, P.C.	Cobourg	Toronto
11 Mac Harb	Ontario	Ottawa
12 Jim Munson	Ottawa/Rideau Canal	Ottawa
13 Art Eggleton, P.C.	Ontario	Toronto
14 Nancy Ruth	Cluny	Toronto
15 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
16 Nicole Eaton	Ontario	Caledon
17 Irving Gerstein	Ontario	Toronto
18 Michael Douglas Finley	Ontario—South Coast	Simcoe
19 Linda Frum	Ontario	Toronto
20 Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville
21 Vim Kochhar	Ontario	Toronto
22 David Braley	Ontario	Burlington
23 Salma Ataullahjan	Toronto—Ontario	Toronto
24 Don Meredith	Ontario	Richmond Hill

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 W. David Angus	Alma	Montreal
5 Pierre Claude Nolin	De Salaberry	Quebec
6 Céline Hervieux-Payette, P.C.	Bedford	Montreal
7 Lucie Pépin	Shawinigan	Montreal
8 Serge Joyal, P.C.	Kennebec	Montreal
9 Joan Thorne Fraser	De Lorimier	Montreal
10 Raymond Lavigne	Montarville	Verdun
11 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
12 Roméo Antonius Dallaire	Gulf	Sainte-Foy
13 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
14 Dennis Dawson	Lauzon	Ste-Foy
15 Francis Fox, P.C.	Victoria	Montreal
16 Michel Rivard	The Laurentides	Quebec
17 Patrick Brazeau	Repentigny	Gatineau
18 Leo Housakos	Wellington	Laval
19 Suzanne Fortin-Duplessis	Rougemont	Quebec
20 Claude Carignan	Mille Isles	Saint-Eustache
21 Jacques Demers	Rigaud	Hudson
22 Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël
23 Pierre-Hugues Boisvenu	La Salle	Sherbrooke
24 Larry W. Smith	Saurel	Hudson

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	South Shore	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Terry M. Mercer	Northend Halifax	Caribou River
6 James S. Cowan	Nova Scotia	Halifax
7 Fred J. Dickson	Nova Scotia	Halifax
8 Stephen Greene	Halifax - The Citadel	Halifax
9 Michael L. MacDonald	Cape Breton	Dartmouth
10 Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
2 Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila
3 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
4 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
5 Pierrette Ringuette	New Brunswick	Edmundston
6 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
7 Percy Mockler	New Brunswick	St. Leonard
8 John D. Wallace	New Brunswick	Rothsay
9 Carolyn Stewart Olsen	New Brunswick	Sackville
10 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy E. Downe	Charlottetown	Charlottetown
4 Michael Duffy	Prince Edward Island	Cavendish

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Janis G. Johnson	Manitoba	Gimli
2 Terrance R. Stratton	Red River	St. Norbert
3 Sharon Carstairs, P.C.	Manitoba	Winnipeg
4 Maria Chaput	Manitoba	Sainte-Anne
5 Rod A. A. Zimmer	Manitoba	Winnipeg
6 Donald Neil Plett	Landmark	Landmark

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
2 Mobina S. B. Jaffer	British Columbia	North Vancouver
3 Larry W. Campbell	British Columbia	Vancouver
4 Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks
5 Yonah Martin	British Columbia	Vancouver
6 Richard Neufeld	British Columbia	Fort St. John

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 David Tkachuk	Saskatchewan	Saskatoon
3 Pana Merchant	Saskatchewan	Regina
4 Robert W. Peterson	Saskatchewan	Regina
5 Lillian Eva Dyck	Saskatchewan	Saskatoon
6 Pamela Wallin	Saskatchewan	Kuroki Beach

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
2 Tommy Banks	Alberta	Edmonton
3 Claudette Tardif	Alberta	Edmonton
4 Grant Mitchell	Alberta	Edmonton
5 Elaine McCoy	Alberta	Calgary
6 Bert Brown	Alberta	Kathyrn

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	Newfoundland and Labrador	St. John's
3 George Furey	Newfoundland and Labrador	St. John's
4 George S. Baker, P.C.	Newfoundland and Labrador	Gander
5 Fabian Manning	Newfoundland and Labrador	St. Bride's
6 Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Lang	Yukon	Whitehorse

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(HANSARD)

Wednesday, February 2, 2011



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, February 2, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling for Senators' Statements, I wish to draw the attention of all honourable senators to the presence in the gallery of a group of women from Aglow International Canada, a trans-denominational organization of Christian women: Miriam Miller, Florence Pole, Edna Cammeron, Mary-Ellen Goslin, Lena Kowalski, Roberta Bell, Adele Holt, Elizabeth Cox, Diana Fiege, Linda Riske, Phyllis Habermehl, and Donna Kenner. These women are guests of the Honourable Senator Plett.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

SENATORS' STATEMENTS

THE LATE FRANCIS PETER CUNDILL

Hon. Michael A. Meighen: Honourable senators, with the death in London on January 24, 2011, of Francis Peter Cundill, Canada lost one of its most remarkable individuals, the investment world lost one of its most distinguished and successful practitioners, and I lost a cherished friend of over 60 years.

Peter Cundill was born in Montreal and graduated with a Bachelor of Commerce degree from McGill University in 1960. He became a chartered accountant and subsequently received his designation as a chartered financial analyst.

Peter Cundill worked in the investment business initially in Montreal before moving to Vancouver where, in 1974, he established his flagship Cundill Value Fund, a fund that made him famous and richly rewarded thousands of investors, not the least of whom were those with small resources and precious savings.

Peter was a deep-value investor, a disciple of the legendary American economist and investor, Benjamin Graham. He also formed personal relationships with Sir John Templeton and Warren Buffett.

Peter's record over 35 years as a global mutual fund manager was unrivalled. In 2001, it earned him the Analysts' Choice Career Achievement Award in recognition of proven superior performance and his lifetime contribution to the financial community. His investment style was characterized by integrity and patience. At his annual meeting in 1985, he astonished a

packed hall when he cautioned them, "We are having a difficult time finding anything we want to buy. Don't send me your money!"

Peter Cundill was in no sense a one-dimensional man. Springing from his innate curiosity, his interests were eclectic. He was a voracious reader on a wide variety of subjects; a faithful diarist; an inveterate traveler; a philanthropist; and a devoted runner, who completed 22 marathons, including a "sub 3-hour" when over the age of 40. He relished sports and physical challenges. Tennis, handball, squash, rugby, skiing, mounting hiking — Peter did them all with skill and enthusiasm.

The iron discipline employed in his investment career was generally replicated in his personal habits. Cigars? Yes, but only on Thursdays. Martinis? Yes, but only on Fridays. That discipline did not extend to junk food and ice cream for which he had an irrepressible craving.

Peter had an abiding interest in history, arising, some would say, from an examination he failed at McGill in 1959. Traumatic though this experience was, the more likely cause was his belief that it was only possible to comprehend the present and arrive at a measured perspective about the future if we understand the past. As a result, in 2008, he founded the Cundill International Prize in History at McGill University, the largest in the world and designed to encourage the writing of history for a general audience.

In a cruel twist of fate for one who was a physical fitness devotee for over 50 years, Peter was diagnosed in 2006 with an untreatable neurological condition known as Fragile X. Not surprisingly, he never once complained or wallowed in self-pity. Rather, he embraced the challenge of his condition with unwavering cheerfulness and a determination to lead as full a life as possible.

His book, entitled: *There's Always Something to Do: The Peter Cundill Investment Approach*, will stand as his enduring legacy. To his immense delight, he received the first copy just two days before his death. When asked recently in his last interview if he had any advice for ordinary investors, Peter replied:

Pick some first-rate money managers with whom you feel comfortable because you have done your homework on them. Then stick with them. The mantra is patience, patience and more patience. Think long-term and remember that the big rewards accrue with compound annual rates of return.

While Peter Cundill has left us, his influence will continue to be felt for many years through his contributions to the financial world, philanthropy and the broader community. In the words of one of his long-time associates, "he was a true global person and a renaissance man."

I feel fortunate to have known this unusual and extraordinary individual for as long and as well as I did. Peter is survived by his step-daughter Evelyn, step-son Roger, as well as his brother Grier to whom I offer my most sincere sympathy.

2011 CANADA WINTER GAMES

Hon. Terry M. Mercer: Honourable senators, beginning February 11, 2011, thousands of athletes, coaches, volunteers and spectators will gather in Halifax for the Canada Winter Games, the largest multi-sport competition for young athletes in Canada.

Much participation has gone into these games, including the building of new complexes and the upgrading of current infrastructure around the Halifax Regional Municipality, such as the \$40-million-dollar Canada Games Centre. The governments of Canada, Nova Scotia and Halifax, along with the private sector and the Canada Games Council, have worked hard to prepare Halifax for what will be a memorable two weeks of competition and camaraderie.

Honourable senators, it is interesting to note that Halifax/Dartmouth was host to the very first Canada Summer Games in 1969, which left behind such lasting memories as the Centennial Pool and Husky Stadium. I am sure this year's games will have just as strong an impact on the Halifax Regional Municipality.

In fact, one of the greatest venues is the speed skating oval, which is built on the North Common. The oval has already been available to thousands of skaters since December. The Halifax Regional Municipality website tells us the oval is the largest outdoor artificially-refrigerated ice surface east of Quebec City, with approximately 55,000 square feet of ice area, more than three full-sized NHL ice rinks. In fact, there has been a large push by the public that the oval become a permanent feature for Haligonians, Nova Scotians and visitors to enjoy in the future.

Halifax is already one of the most unique cities in Canada and at any time throughout the year one can enjoy music, fine food and a culture that stands apart from many other cities. I am sure the Canada Winter Games will provide a fantastic addition to an already vibrant city, including the oval. It certainly reveals the uniqueness of the City of Halifax and provides a venue to enjoy in the future.

• (1340)

Honourable senators, the mission of the Halifax 2011 Canada Games Host Society is:

To deliver an exceptional national sporting event that celebrates sport, engages community, and embraces diversity. The Games will support the dreams of athletes, thereby building national pride and creating lasting legacies.

I know these goals will be achieved.

I take this opportunity to congratulate the 2011 Games management team, board of directors, Games operations committee, sponsors and government support and the hundreds of volunteers on a job well done, and I wish all of the athletes

and coaches good luck in their sports. I look forward to seeing first-hand the tremendous success of these 2011 Canada Winter Games.

MS. MARIE-LINDA LORD

CONGRATULATIONS ON APPOINTMENT AS CHAIR OF TV5

Hon. Percy Mockler: Honourable senators, it is quite an occasion to recognize a person from New Brunswick.

[Translation]

Honourable senators, today I would like to congratulate Marie-Linda Lord on her new position as President of the Board of Directors of TV5 Québec-Canada. Her appointment was announced on January 3.

[English]

Honourable senators, I am sure that Ms. Lord's experience and knowledge will ensure the quality and diversity of the programming within TV5.

[Translation]

Honourable senators, this network, which is known and appreciated around the world and reaches over 185 million viewers, will benefit from her expertise and many skills. Ms. Lord will also be able to carry out TV5's mission to promote La Francophonie in all its diversity.

She is impressive, indeed. After graduating with a social sciences degree from the University of Ottawa, Ms. Lord went on to earn a master's degree in comparative Canadian literature from the Université de Sherbrooke and a doctorate in French studies from the Université de Moncton.

Honourable senators, her professional experience is just as impressive. Ms. Lord had a long career as a broadcaster for Radio-Canada Atlantique before becoming a professor of information and communications at the Université de Moncton. She also holds the Chair of Acadian Studies at that university.

Her work as a journalist and academic make her an authority on Acadian culture and identity. That is why all francophones in New Brunswick were overjoyed to hear of her appointment.

I have no doubt that, under her leadership, TV5 will continue to surprise us with the quality and the richness of its programming for everyone. It is an honour to wish Marie-Linda Lord all the best in her new position as President of the Board of TV5.

Yes, New Brunswick, Acadia and all francophones are proud of you, Marie-Linda. Hats off to you!

THE LATE FRANCIS PETER CUNDILL

Hon. Serge Joyal: Honourable senators, I join our colleague, Senator Michael Meighen, in highlighting the exceptional contribution made by the late Peter Cundill, who recently passed away.

Peter Cundill, born in Montreal, educated at McGill University and very involved in the world of financial institutions, has left us his unique perspective based on his experience as an investor and financial advisor.

[English]

However, Peter Cundill was not only a successful businessman, he was also a humanist. He held the strong conviction that in an ever-changing world where technologies command continuous adjustments, where diversity of population accelerates through the steady flow of immigration and where various ideologies may appear to be in conflict, the knowledge and mastery of history is fundamental to peace and respect of others.

Canadians generally do not even know the basic tenets of their own history. Our fragmented education system does not teach history as a compulsory subject but more as an optional choice. At the end of their school curricula, Canadian students may graduate from a specialized school or even a university without knowing anything, for instance, of the history of the 20th century — one of the most violent.

According to a survey conducted in 2009 for the Dominion Institute, only four Canadians out of ten can recognize Sir John A. Macdonald as the first Prime Minister of Canada, even though his picture and name appear on the \$10 bill.

Peter Cundill was deeply convinced that Canadians had to be better aware of the importance of history and that it must be made more accessible to them. To that end, he proposed an initiative to establish an annual prize in history at the level of the well-known prestigious Nobel Prize.

He spoke to his longstanding friend from McGill University, Senator Michael Meighen, who shared his interest. Senator Meighen took the initiative to the dean of the political science faculty at McGill, Mr. Christopher Manfredi, to establish the Cundill International Prize and Lecture in History. Thanks to the Cundill Foundation, the Cundill Prize in History was financed at the level of an annual grand prize of US\$75,000 and two Recognition of Excellence prizes of US\$10,000 each, making the Cundill Prize the world's richest prize in history.

The winning historians are selected by an independent jury of at least five members selected by McGill University, drawn either from well-known professional historians — for instance, from Germany, France, England, United States or Canada — and from qualified persons having expressed, through their past activities or publications, a genuine interest in history.

I served as a member of the jury for the first two years of Cundill Prize and can testify to the enthusiasm of the contestants. The first year of the prize, there were more than 190 different book submissions from six countries around the world. The first recipient of the Cundill Prize in 2008 was the historian Stuart B. Schwartz from Yale University for his work entitled: *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World*.

In 2009, the American historian David Hackett Fischer from Brandeis University received the second prize for his book entitled: *Champlain's Dream*, on the life and thoughts of the first French explorer, Samuel de Champlain, so important for his explorations

and his writing on Canada, Quebec and the U.S. The book is a library success and will be translated into French this year.

Thanks to the vision of Peter Cundill and the dedication of Senator Meighen, history is now elevated to the level of knowledge essential to peace and respect of others. As Peter Cundill reminded us:

You have to study the past to understand the present and predict the future.

Canadians will always remember Peter Cundill for his deeply held conviction of the strategic importance of world history and the history of Canada.

THE LATE JOYCE THOMPSON

Hon. Vim Kochhar: Honourable senators, I feel honoured to have had the opportunity to be the friend of an extraordinary Canadian woman, Joyce Thompson, who passed away on January 3, 2011, at the age of 77.

A long-time advocate and friend to the deaf-blind community, her contributions and career spanned more than 35 years.

Deafness and blindness together represent a total darkness and isolation. She was immensely moved by this dual disability when she first met a deaf-blind person in 1976. She soon realized that most deaf-blind persons lived in unsafe and inappropriate housing in severe isolation, with little or no access to an intervener trained to act as the eyes and ears of a person who is deaf-blind.

In 1985, the Rotary Club of Toronto Don Valley raised sufficient funds to help local organizations build an accessible home for the disabled. After a compelling proposal from Joyce Thompson, Rotarians unanimously agreed to support this little-known community.

Rotary Cheshire Homes, the world's only independent-living apartment building for people who are deaf-blind, officially opened on May 1, 1992, and Joyce was appointed the first executive director.

• (1350)

This was only the beginning. In 1998, Joyce assisted in opening the Canadian Helen Keller Centre, Canada's only training centre for people who are deaf-blind. Two years later, her efforts resulted in the Ontario government declaring the month of June Deaf-Blind Awareness Month.

In 2003, Joyce founded JuneFest, an annual one-day festival that promotes awareness of this dual disability. That same year, Joyce successfully supported a human rights complaint against the Ontario government for inequity of resource allocation.

Last year, Joyce was awarded the one and only JuneFest award of excellence. The award was named in her honour to be given annually to recognize Canadians who demonstrate Joyce's vision and determination.

Joyce Thompson's passion is an inspiration for all Canadians. Her legacy will continue to make a very real difference in the lives of Canada's deaf-blind community.

THE LATE JOSE KUSUGAK

Hon. Patrick Brazeau: Honourable senators, I rise today to pay tribute to the legacy of a most memorable Canadian whose recent passing has left Canada's North in deep mourning.

Old wisdom suggests that if your actions inspire others to dream more, learn more, do more and become more, you are a leader.

Honourable senators, Jose Kusugak describes perfectly that definition of a leader. His is a legacy of a man whose contributions to build the true North were as great and significant as those made by any leader throughout Canadian history.

[Translation]

As one of Canada's key Inuit leaders, Jose served on two separate occasions as president of Inuit Tapiriit Kanatami, one of five national Aboriginal organizations recognized by the Government of Canada.

[English]

It was a pleasure to work with him at the time, as we both led our respective Aboriginal organizations that served as national voices for our constituencies.

[Translation]

Thanks to Jose Kusugak, the Inuit of Canada could rest assured that their environmental, social, cultural and political concerns and aspirations were always at the forefront in Ottawa, both in Parliament and within the entire machinery of government. Jose brought a certain distinction, humility and charm to the Aboriginal political scene, and he will be sadly missed.

[English]

I experienced that first-hand time and again, and it left an indelible impression upon me.

Jose Kusugak had a unique gift of always ensuring that the human element of political endeavour was never forgotten, always emphasized and positively positioned. However, the application of his many gifts was not only confined to the political arena. He was an equally skilled teacher, linguist and broadcaster. This was indeed a man for all seasons.

Honourable senators, Jose Kusugak was truly a northern light. He helped define the identity of the Inuit people. He informed Canadians at large about his people, their land and promise and, in so doing, made an immeasurable contribution to the building of Canada's North and its socioeconomic sustainability.

We owe a debt of gratitude to Jose Kusugak, and today we honour and give thanks in his memory.

[Translation]

ROUTINE PROCEEDINGS

CRIMINAL CODE NATIONAL DEFENCE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-48, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.)

CANADA ELECTIONS ACT

BILL TO AMEND—FIRST READING

Hon. Dennis Dawson presented Bill S-227, An Act to amend the Canada Elections Act (election expenses).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Dawson, bill placed on the Orders of the Day for second reading two days hence.)

[English]

QUESTION PERIOD

PUBLIC SAFETY

ABORIGINAL WOMEN IN PRISONS

Hon. Lillian Eva Dyck: Honourable senators, my question is for the Leader of the Government in the Senate.

The state of Aboriginal women in Canada's prisons is very troubling. It is appalling. Aboriginal women are significantly overrepresented in Canada's prisons and they now account for one third of all federally incarcerated women. This number has increased by 91 per cent since 2001. Additionally, about 80 per cent of female Aboriginal inmates are held in maximum-to medium-security prisons, while only about 20 per cent are in minimum-security prisons. In my home province of Saskatchewan, which has one of the largest provincial

Aboriginal populations in Canada, Aboriginal women make up 87 per cent of the female inmate population. In neighbouring Manitoba, the number is 83 per cent.

To compound the problem, about 30 per cent of incarcerated Aboriginal women are said to have mental health problems at the time of imprisonment and cannot access treatment programs. Of the Aboriginal women who are incarcerated, 90 per cent have been victims of sexual, physical and/or emotional abuse. Experts agree that the proposed crime legislation from this government will significantly increase these numbers. More Aboriginal women will be incarcerated.

Aboriginal women are at a higher risk of reoffending because culturally appropriate programs and services that are mandated by Correctional Service Canada are not made available to most Aboriginal women.

We cannot sit by and watch an already vulnerable population continue in a cycle of offending and reoffending without the necessary help in Aboriginal communities to reintegrate them and in prisons nationwide to rehabilitate them.

Could the Leader of the Government in the Senate explain why the government continues to ignore the underlying issues of poverty, abuse, violence, homelessness and drug abuse in Aboriginal communities that perpetuate a cycle of offenders, and why the programs that are specifically for Aboriginal women have not been made more widely available?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. This is, of course, a serious concern to all people in government and society. The number of Aboriginal women in our prison system, of course, is high. It is a very disturbing figure.

• (1400)

I must report to honourable senators that it is not only through Correctional Service Canada and the Minister of Public Safety, but also through the Department of Indian and Northern Affairs and Status of Women Canada, that a significant number of programs are in place. We are working with the Native Women's Association and a number of other organizations to get out into the Aboriginal communities and offer all the assistance possible to the various groups directly affected by the many factors the honourable senator pointed out.

With regard to Aboriginal women with mental health issues in prisons, as I mentioned yesterday when I was asked a similar question about mental health and the treatment of same, we are continuing to take significant action on the entire issue of mental health. We have invested more than \$50 million in funding to Correctional Service Canada over the past five years. Correctional Service Canada has increased access to services for inmates and invested significantly in the training and retraining of staff so that they can better recognize and treat mental health issues.

I must point out, honourable senators, that the resources we have provided to deal with this serious issue have only been provided by our government; they were not in place under any previous government.

Senator Dyck: In Maple Creek, Saskatchewan, near the Nekaneet First Nation reserve, the Okimaw Ohci Healing Lodge provides culturally appropriate programs for female Aboriginal offenders. This type of rehabilitation has been successful; however, this is the only Aboriginal women's healing centre run through Correctional Service Canada.

Does the government have plans to open more of these types of centres given the effectiveness of such a program to reduce reoffending, which of course will keep Canadian and Aboriginal communities safer?

Senator LeBreton: That is a good question. The government is always interested in having programs that prove to be successful, such as the one that Senator Dyck just mentioned.

Through Status of Women Canada and also the Department of Indian and Northern Affairs, there are many programs. Specifically with regard to women, Correctional Service Canada, as I mentioned a moment ago, has programs in place. However, I would be happy, honourable senators, to ask my colleagues, the Honourable Vic Toews and the Honourable Rona Ambrose, whether or not this very successful project is being looked at with the possible conclusion of having other similar programs.

Senator Dyck: According to the material from Correctional Service Canada, there are plans under way to develop culturally appropriate interventions that address the specific needs of First Nations, Metis and Inuit men and women.

In particular, would the Leader of the Government in the Senate provide this chamber with an update on what the government has done to, first, develop and implement culturally sensitive classification and assessment tools for women; second, develop and implement culturally sensitive programs for Aboriginal women; third, develop and implement targeted interventions for Aboriginal women; and, fourth, enhance the knowledge of Aboriginal women and effective corrections for that specific population? Could we get an update on what the government has done, what programs they have funded and where they are?

Senator LeBreton: Absolutely, honourable senators, I would be happy to ask for updated information on the questions posed by Senator Dyck.

Hon. Sharon Carstairs: Honourable senators, while the Honourable Leader of the Government in the Senate is gathering that information, would she also gather the information as to how many incarcerated Aboriginal women received culturally sensitive programs in the fiscal year 2010-11?

Senator LeBreton: I certainly will, honourable senators. I can say one thing, that the figure will be higher than that of the previous government.

Senator Cowan: That is very helpful.

ATLANTIC CANADA OPPORTUNITIES AGENCY

ATLANTIC GATEWAY STRATEGY

Hon. Terry M. Mercer: Honourable senators, prior to my question, I wish to take a moment to welcome back colleagues who have been ill: Senator Nolin, Senator Finley and Senator Gerstein. Welcome back. We are glad they are here and hope they are feeling much better.

Honourable senators, in October 2007, Ottawa made a commitment to all four Atlantic provinces with respect to developing the Atlantic Gateway through the \$2.1 billion national Gateways and Border Crossings Fund. The plan was to be completed by October 2009. Here we are today, in 2011; where is the plan?

In a recent article in *The Chronicle Herald* of Halifax, it was revealed that Nova Scotia has received \$86 million for seven projects and that New Brunswick has received \$111 million for three projects. PEI and Newfoundland and Labrador, in comparison, have received nothing.

Could the Leader of the Government in the Senate provide us with a list of projects that have been approved for Nova Scotia and New Brunswick? Has any of the money actually been spent, or has it just been promised?

Hon. Marjory LeBreton (Leader of the Government): I was wondering if the honourable senator was intending to ask me a question about dredging Sydney Harbour. However, I kind of knew he would not ask a question on that subject because, of course, the government delivered.

Honourable senators, the government believes that the Atlantic region is uniquely positioned to play a vital role in the Canadian economy. Our officials have had extremely successful meetings with international partners, and they continue to work with international partners and the various provinces on the Atlantic Gateway Strategy. There has been no greater supporter of Atlantic Canada than this government. We have committed tremendous resources and worked to help Atlantic Canada create and save jobs, build key infrastructure, and invest in vitally important areas such as education and health care.

Other than that, all I have to say, honourable senators, is that Senator Mercer and I both know that Atlantic Canada has no better friend than this government.

Senator Mercer: I am trying to keep a straight face here, honourable senators.

The leader brought up the dredging of the Sydney Harbour, which was in response to pressure from Senator Cordy; myself; the member for Sydney—Victoria, Mark Eyking; and the member for Cape Breton—Canso, Rodger Cuzner. That is what happened. The honourable leader should not relate the dredging of Sydney Harbour to the Atlantic Gateway, because the money did not come from the Atlantic Gateway fund; it came from an old Devo fund.

Senator Cordy: No questions came from that side.

Senator Mercer: Not a single question came from that side worrying about the good people of Nova Scotia and Cape Breton.

The article in *The Chronicle Herald* goes on to say that apparently half of the \$2 billion national fund has been committed, which includes, by the way, \$500 million for Ontario border crossings. However, again, where is the plan they promised? A lot of money is apparently being promised and/or spent without a plan.

Let us do the math here. The three numbers that I have mentioned total \$697 million. That leaves \$1.4 billion remaining in the fund. It all seems very confusing. Would the leader provide a complete list of the money already promised that is coming from the Gateways and Border Crossings Fund?

Senator LeBreton: Honourable senators, I did not link the dredging of Sydney Harbour to the Atlantic Gateway Strategy. Senator Mercer has overlooked an individual who was crucial in supporting the dredging of Sydney Harbour; he sits in this chamber in the person of Senator Michael MacDonald. He worked with Minister MacKay; the member of Parliament for South Shore—St. Margaret's, Gerald Keddy; Senator Comeau; and all the other representatives of Atlantic Canada who made the case.

The fact is that we quietly get to work and get the job done; we do not shout about it.

• (1410)

The amount of money spent on the various infrastructure programs in Atlantic Canada not connected with the gateway is well known.

Honourable senators, regarding the honourable senator's specific question about the plan and the results of the deliberations with our international partners and provincial officials with whom we have been working, I will be happy to provide a written response.

ENVIRONMENT

CLIMATE CHANGE POLICY

Hon. Grant Mitchell: Honourable senators, it is becoming increasingly apparent that many business groups, from the Canadian Council of Chief Executives to the Canadian Association of Petroleum Producers, are now urging Ottawa to implement a carbon-pricing mechanism, a market mechanism to deal with climate change, rather than using a heavy-handed regulatory approach.

Ironically, in spite of that input from these powerful business groups that, one would think, would know about the markets, the government's new rookie Minister of the Environment has just announced that he is going to regulate. Of course, he is not the real Minister of the Environment; Mr. Harper is the real Minister of the Environment, making this all the more paradoxical.

Could the Leader of the Government in the Senate tell us why we should not be absolutely shocked that this hard-nosed, market-worshipping, business-friendly Conservative government

is turning around and imposing the regulatory, big-government, command-and-control government approach over and above the market-driven mechanism that business wants?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I think the honourable senator is misrepresenting what business actually said.

Minister Kent, the Minister of the Environment, has discussed the regulatory approach. Minister Kent has just taken over this portfolio and he has obviously gotten off to a great start. He is working hard and has a good understanding of all the issues on the environmental front. I will pass on Senator Mitchell's comments about what he thinks the minister should be doing in his position as Minister of the Environment.

Senator Mitchell: Honourable senators, perhaps the leader could also pass this along this information to the new minister. The Cement Association of Canada, Suncor Energy, Inc., Encana Corporation, the Canadian Association of Petroleum Producers, and The Mining Association of Canada, among many other business groups, business people and companies, are saying they do not want heavy-handed, command-and-control regulation because it will cost much more than a market mechanism.

What will Minister Kent tell all these business groups and business people? How will he explain to them why he wants to cost them more money, when clearly the solution is to rely upon a clean, simple, straightforward, market-driven solution to climate change action?

Senator LeBreton: Honourable senators, our government has worked harder than any other government to address the concerns of all businesses. Obviously, these businesses are major employers and provide jobs for Canadians. This government, unlike the promises of the party opposite, will not do anything to hinder Canada's growth or our ability to create jobs and strengthen the economy.

Honourable senators, concerning Minister Kent's response to the business leaders, I will take the question as notice.

Senator Mitchell: Honourable senators, perhaps the leader could take this comment back to Mr. Harper. On January 13, when he announced his Red Tape Reduction Commission, Prime Minister Harper said that he would fight regulation and red tape and that he would make a no- or low-regulation nirvana for business in this country. Mr. Harper said that Canadian businesses spend billions of dollars each year adhering to regulations.

Honourable senators, barely two weeks later, the Minister of the Environment turned around and said that their government will do something on climate change. I thank Minister Kent for saying that his government will do something; however, it will be regulation. What is this? Is this just a case of Minister Kent not really going to do anything at all, or is this a case of him not listening to Mr. Harper? Is this a case of the right hand not knowing what the proverbial left hand is doing?

Senator LeBreton: Honourable senators, the approach of the government has not changed concerning climate change. We will align ourselves with the United States and take a regulatory

approach that will deliver results without threatening Canada's economic recovery. We have already started this process in the transportation sector, and we are continuing this process in terms of regulating coal-fired electrical generation.

All these measures, honourable senators, will be taken with our focus clearly trained on Canada's economic recovery and, through that recovery, we will create jobs for Canadians.

Senator Mitchell: The approach of the government has not changed. Five years ago, the government cancelled everything that the Liberals had put in place. Then the government said it would put a made-in-Canada policy in place. Then the government said it would do what the U.S. does, which is cap and trade. Then, when the U.S. said it would regulate, the government said it would not regulate, and now the government is saying it will regulate. What part of "nothing has changed in your approach" does the government not understand?

Senator LeBreton: Honourable senators, the litany that Senator Mitchell just cited is all within the confines of his own skull.

An Hon. Senator: That is not unusual.

Senator LeBreton: Honourable senators, Senator Mitchell makes the statements and then he asks the questions; and somehow, miraculously, he transfers them over as if they were the programs of the government. Of course, the honourable senator knows that is not true.

We have had a consistent environmental plan from the beginning of our mandate. We have made significant progress on the environment. What we did not do, and would not do, was to sign on to accords to do things that we had no intention of delivering on.

Senator Cordy: What is your plan? No plan.

Senator LeBreton: It is better than your plan.

[Translation]

HERITAGE

FUNDING FOR LINGUISTIC MINORITIES PROGRAMS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, we learned that the Department of Canadian Heritage deprived linguistic minorities of much-needed funds because of a backlog of unprocessed funding requests.

The Commissioner of Official Languages has confirmed that these delays in renewing funding are having a negative impact on the development and vitality of a number of official language minority communities, which leads him to believe that the department has failed to meet its obligations under Part VII of the Official Languages Act.

These delays have had a severe impact on the operation and activities of many organizations that provide services to linguistic minorities. How does the Department of Canadian Heritage explain this unequal treatment of Canada's linguistic minorities?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. First, the report to which Senator Tardif refers is a report as to what transpired in the past. The Commissioner of Official Languages, himself, stated in that very same report that he is satisfied with the measures our government has taken to improve the situation.

Honourable senators, we have already taken steps. Community groups are receiving more stability and encountering less red tape. For example, for 2010-11, 90 per cent of the official languages groups received confirmation of funding before the fiscal year began on April 1. For 2010-11, approximately one half of official languages groups are receiving funding through multi-year grants, and a 24-week service standard has been implemented, as well as shorter processing times and a single application deadline for all groups.

If honourable senators read the report, they will find that the Commissioner of Official Languages, himself, stated that he is well satisfied with the measures we have taken to address these concerns.

Senator Tardif: Honourable senators, for a number of years, the Commissioner of Official Languages has noted the delays at Canadian Heritage. These delays affect English- and French-language minority communities alike. For example, the Quebec Community Groups Network has expressed its disappointment and frustration for experiencing delays in signing accords, as well as other francophone minority groups across the country.

The Commissioner of Official Languages has recommended that Canadian Heritage report by March 31, 2011 the measures it will take under its action plan to speed up the signing and implementation of financing for organizations representing official language minorities.

Will Canadian Heritage accept these recommendations and execute them?

• (1420)

Senator LeBreton: I thank the senator for the question, but I think I answered it in my first response when I said that the Commissioner of Official Languages expressed satisfaction with the measures that the government has taken in order to ensure that community groups are receiving more stable funding.

To repeat, for 2010-11, 90 per cent of official language groups received confirmation of funding before the fiscal year began on April 1. For 2010-11, approximately one half of official languages groups are receiving funding through multi-year grants. One of the complaints in the past was that they would have to reapply each year. In addition, a 24-week service standard has been implemented as well as shorter processing times and a single application deadline for all groups, which reduces red tape and ensures fairness across the board.

As the Commissioner of Official Languages stated in that same report, he is satisfied that the government is taking measures to improve the situation.

Senator Tardif: The Leader of the Government in the Senate indicated that 90 per cent of the groups have received notification. However, I think that is different from the recommendation of the Official Languages Commissioner, who asks that the department indicate what action it will take. That is quite different from saying that some people will be notified. What actions will the government take to ensure that this does not occur in the future? What is the plan?

Senator LeBreton: I thank Senator Tardif for the question. I will seek further clarification from my colleague, the Honourable James Moore, the Minister of Canadian Heritage.

ORDERS OF THE DAY

ELECTRICITY AND GAS INSPECTION ACT WEIGHTS AND MEASURES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator MacDonald, for the second reading of Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act.

Hon. Tommy Banks: Honourable senators, I hope that someone will take the adjournment of this debate. I know that senators are on tenterhooks waiting to hear what I have to say about this bill because the bill contains the word "inspector." I am happy to say that this bill does what all of those other bills about which I have complained in the past should have done. This bill says that the minister shall appoint inspectors, but then says in clause 16:

(1.1) The Minister shall ensure that, for each particular sector, all persons designated under subsection (1) are trained and qualified in the same manner and that all examinations made by these persons are conducted consistently.

The bill goes on to demonstrate the qualifications of those inspectors who will work under this act. That is exactly what all of those other acts ought to have done and did not.

Further, in clause 17:

(2) The Minister shall provide the inspector with a certificate of their designation, and on entering the place, the inspector shall . . .

— present it, et cetera. These are all good things that ought to have been in all the other bills that give inspectors unreasonable powers of search and seizure.

I will leave it to others to look at clause 17 of Bill C-14 to determine whether the powers of search and seizure under it are appropriate. Otherwise, this is a good piece of legislation.

(On motion of Senator Cowan, debate adjourned.)

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Brown, for the second reading of Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

Hon. Larry W. Campbell: Honourable senators, I am pleased to speak today as the critic on Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

This bill establishes the distinct offence of possessing, producing, selling or importing anything if the person involved knows that it will be used to produce or traffic crystal meth or ecstasy. Generally speaking, the “anything” refers to those substances that are called “precursors.” Precursor chemicals are chemicals that are essential to the production of the controlled substance. Precursor chemicals also have a wide legitimate use in the production of consumer goods such as pharmaceuticals, fragrances, flavouring, petroleum products, fertilizers and paints. For example, ephedrine and pseudoephedrine, commonly used in cold and decongestant medications, are precursor chemicals that are used to produce methamphetamines. Another precursor is P2P, which is used primarily in the production of ecstasy, also known as MDMA, as well as methamphetamines.

Quoting from Wikipedia:

Chemicals critical to the production of . . . synthetic drugs are produced in many countries throughout the world. Many manufacturers and suppliers exist in Europe, China, India, the United States, and a host of other countries.

One of those countries is, of course, Canada.

Historically, chemicals critical to the synthesis or manufacture of illicit drugs are introduced into various venues by legitimate purchases by companies that are registered and licensed to do business as a chemical importer or handler. Once in the country or state, the chemicals are diverted by rogue importers or chemical companies, by criminal organizations and individual violators, or, more typically seen in an overseas environment, acquired as a result of coercion on the part of drug traffickers.

In response to stricter international controls, drug traffickers have increasingly been forced to divert chemicals by mislabeling the containers, forging documents, establishing front companies, using circuitous routing, hijacking shipments, bribing officials, or smuggling products across international borders.

In the news in the past year we have heard that Canadian officials, both police and border guards, have made numerous seizures of precursors coming into Canada. For the most part, these chemicals were either mislabeled or hidden to avoid detention.

This bill will serve to restrict the availability of ecstasy and methamphetamines by giving police agencies the opportunity to bring charges against the manufacturers themselves.

Coming from a law enforcement background, I recognize the importance of giving our police agencies across the country better tools to target individuals and organized crime groups who have profited greatly from drug production in the past. By limiting the ability to manufacture highly addictive drugs that are targeted toward our youth, this bill will assist us in ensuring that this dangerous and potentially lethal drug is controlled.

I remember when the drug MDA was made illegal in the United States. Cookers, those who make speed, simply changed the molecules and came up with a drug called MDMA. This was the start of what we came to know as designer drugs. We know that simply listing a drug as illegal does not take care of the problem, because good cooks can simply change the formula and put it back into the system in a different format.

Lawmakers realized that there was an infinite number of ways to make speed-type drugs and moved to control the precursors.

• (1430)

In some quarters, there is a fear that innocent citizens could find themselves under investigation as a result of this bill. While it is true that many of the precursors can be found in a household, for example ephedrine and pseudoephedrine in cold tablets, it is also true that for a charge to be laid, there must be evidence that the substances were collected with the intent to manufacture drugs.

In many investigations, precursors are kept separate from one another. In and of itself, each precursor does not indicate any type of offence. However, through surveillance and the gathering of evidence, one is often able to pull all those precursors together to show that they will be used to make methamphetamines and ecstasy.

Honourable senators, I support this bill. However, we must not lose sight of the fact that, while law enforcement is one of the tools in our arsenal to prevent the use of drugs, prevention is the best tool. Education, factual information and honesty must be used to ensure that our citizens, young and old, realize the dangers of drug use. My views on drug policy are well known. I will not bore honourable senators with yet another dissertation on the advantages of the four-pillar approach. Time and again, however, we are presented with evidence that a dollar spent on prevention is incrementally more effective than a dollar spent on any other action to lessen drug use.

Honourable senators, the changes proposed by Bill C-475 are an important step toward reducing the production of crystal meth and ecstasy in Canada. For this reason, I support this bill.

(On motion of Senator Carstairs, debate adjourned.)

[Translation]

**STUDY ON RISE OF CHINA, INDIA AND RUSSIA
IN THE GLOBAL ECONOMY AND THE IMPLICATIONS
FOR CANADIAN POLICY**

SEVENTH REPORT OF FOREIGN AFFAIRS AND
INTERNATIONAL TRADE COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the seventh report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *A Workplan for Canada in the New Global Economy: Responding to the Rise of Russia, India and China*, tabled in the Senate on June 28, 2010.

Hon. Suzanne Fortin-Duplessis: Honourable senators, the Standing Senate Committee on Foreign Affairs and International Trade produced this report after three years of hearings in Ottawa and fact-finding missions to Russia, China and India.

In November 2007, we undertook a study which was motivated by an interest in how and to what extent Canada could benefit from the impressive economic growth of these three countries. Their rise in the new global economy holds significant domestic, bilateral and global implications for Canada's prosperity.

My remarks today concern the report on the rise of Russia, India and China, but more particularly the latter two countries, which I had the pleasure of visiting as a member of the committee. In order to fulfil our mandate, our committee met 49 times, heard 87 witnesses and took three trips, visiting the following cities: Khanty-Mansiysk and Moscow in Russia; Beijing, Shanghai, Guangzhou, Shenzhen and Hong Kong in China; and New Delhi, Hyderabad and Mumbai in India. Three reports were tabled as part of this study: the first in March 2010, the second in June and the third in December, completing the study.

First, I would like to thank those who worked so hard to make our report a success. I would like to thank the chair, the Honourable Raynell Andreychuk, her predecessor, the Honourable Consiglio Di Nino, and the former deputy chair, the Honourable Peter A. Stollery, and all the members, for their dedication to this committee and especially to this study.

I also want to thank members of our staff and the Library of Parliament's Parliamentary Information and Research Service for its help, particularly Natalie Mychajlyszyn and her former colleague Jennifer Paul. We also need to thank the dedicated committee clerk, Denis Robert, who has just retired, and the support staff and team of translators who have all helped us see this study through.

Our report underscores to what extent Southeast Asia is both a major geographic crossroads and a unique crossroads of civilizations. After centuries of one population wave after another, a unique mosaic of ethnicities, culture and religion has formed that is both the wealth and weakness of this region. Among these many currents, two major influences have

intersected in Southeast Asia and have progressively adapted to one another. China and India have laid the foundation for the Southeast Asian identity which continues to take shape over the decades despite the very significant differences between these two peoples.

India and China were global economic superpowers in the 1720s. India's development, like China's, has been complicated over the past two centuries. With one-fifth of the world's population, India now wants to reclaim what it considers to be its rightful place. Over the next 25 years, India will be an economic giant and Canada will have to deal with it.

Our trip to India helped us understand just how complex its domestic politics are. We discovered that, with the last general election in the spring of 2009, the visibility of social minorities in India's public arena has increased. This change is seen in the growing number of political parties and has led the Congress to focus more on social justice issues.

China's political agenda in 2010 was dominated by economic issues and in particular by the tension between the desire to develop a new growth model — based on domestic growth — and the goal of stability, more likely to be achieved in the short term through an export-based model. The 2008 Olympic Games were a great success and were followed by the 2010 World Expo in Shanghai. During that international event, the Canadian pavilion welcomed and entertained no less than 6.4 million visitors.

And as an aside, I should say that rediscovering China after a few years was a pleasant surprise for me. The first shock was arriving in Shanghai and feeling the boundless energy and the terrific drive that carries you along. In many ways, that drive reminds me of New York.

During our meetings with the Chinese authorities, I noticed that the Politburo Standing Committee of the Communist Party of China also includes younger members who have gained considerable economic management experience in the provinces where they were based.

If China is the "workshop of the world," as one of the many witnesses in our report stated, then India has become its laboratory. Honourable senators know that the Indian economy is experiencing strong growth that has reached record levels in the past 10 years. India already represents a key market for Canadian businesses and should, within the next 20 years, become one of the top four global economies.

However, this study shows that India remains a developing country in many ways.

• (1440)

The GDP per capita remains low, and despite the emergence of a dynamic middle class, a large part of the population still lives below the poverty line, facing unsanitary conditions and often social structures linked to the caste system. One out of three Indians lives on less than \$1 a day.

In that context, the government has committed to reforms that would support growth, modernize economic structures and fight poverty by implementing major flagship programs.

In China, the situation is rather similar, and while most economies in 2010 were slowly recovering from the global financial crisis, the Chinese economy appeared to be strong. This strength does not diminish the major challenges facing the authorities, who must develop the growth model in a country that is experiencing significant internal unrest.

China's development method is consciously focused on exports and driven by investments, which in turn have spurred domestic activities. The experts who testified in committee agreed that, although China opened up to the market economy, this was combined with state control over important sectors of the economy. This growth model has a positive track record: the average income increased eight-fold, poverty decreased and life expectancy increased.

In the summer of 2008, a decrease in economic activity led the Chinese authorities to abandon the tight monetary policy in favour of a "prudent and active" macroeconomic policy. In November 2008, a \$541 billion budgetary support plan was announced. Government investments were the primary component of this plan, although an effort was made to support the social system.

The increase in economic activity was surprisingly quick and strong.

In India, according to the testimony of the Minister of Road Transport and Highways and of the Indian High Commissioner to Canada, New Delhi's foreign policy priority is to maintain stability and regional peace, in order to provide the right conditions for its development.

The second priority is to position India as part of East and Southeast Asia, the regional driving force for economic growth, under the "Look East Policy" begun in the 1990s. This will translate into strengthened ties with Japan, normalized relations with China and the development of relationships with other Southeast Asian countries and regional organizations focused on co-operation and dialogue.

The attacks in Mumbai in November 2008 only increased tensions in the already difficult relations between India and Pakistan. This has been a constant source of concern for India since partition in 1947.

As for China's foreign policy, our study has shown that Chinese diplomacy is becoming more active every day. While its priorities continue to be regional stability and support for the country's economic growth, its actions are taking on an increasingly global dimension. When faced with questions about the consequences of its increasing strength, China continues to emphasize its status as a developing country and its desire for "peaceful development," although it remains determined to defend its interests.

China is the most populous country in the world, a permanent member of the UN Security Council, a nuclear power and soon the second largest economy in the world, ahead of Japan. China is asserting itself as an essential partner in meeting the major global challenges in a multilateral framework.

Canada and India have longstanding bilateral relations, built upon shared traditions of democracy and pluralism and strong interpersonal connections. The bilateral relationship is supported by a wide range of bilateral agreements in fields such as agriculture, energy, mutual legal assistance, and air services.

In November 2009, Prime Minister Stephen Harper visited India and met with Prime Minister Manmohan Singh.

In November 2009, the Prime Ministers of Canada and India announced the conclusion of negotiations on a Nuclear Cooperation Agreement. They agreed to intensify the economic and trade relationship by announcing the setting up of a joint study group to explore the possibility of a Comprehensive Economic Partnership Agreement between India and Canada. They set a combined annual trade target of \$15 billion to be reached in the next five years.

Prime Minister Singh visited Canada in June 2010 and attended the G20 Summit in Toronto.

As in the case of India, bilateral cooperation with China is strong: many Canadian government departments have productive cooperation programs and memoranda of understanding with their Chinese counterparts, and hold regular exchanges at various levels. Both countries enjoy an active working relationship in international forums.

Our committee heard many times that strong ties exist between the people of the two countries: over 1.3 million Canadian residents are of Chinese origin. Mandarin is Canada's third most spoken language, and immigrants born in China, including Hong Kong, form one of the largest groups within Canada's immigrant population.

I would like to emphasize the vital importance of Prime Minister Harper's visit to China in December 2009, which contributed to strengthening bilateral ties and enhancing dialogue between Canada and China. The Canada-China Joint Statement signed on this occasion identified the priorities of the Canada-China relationship. During the visit, the opening of a new Chinese Consulate General in Montreal and China's granting of Approved Destination Status for Canada were announced, which together will allow for an increased flow of tourists, students and business people between the two countries. This visit also resulted in the signing of bilateral agreements on climate change, mineral resources, culture and agricultural education. Both sides concurred on the importance of frequent exchanges and therefore agreed to enhance the role of the strategic working group, a bilateral mechanism established in 2005 to facilitate high-level bilateral exchange.

During his visit to Canada in June 2010, President Hu Jintao reaffirmed China's commitment to developing a strategic partnership with Canada and strengthening economic and trade cooperation between our two countries.

Will the Honourable Speaker grant me an additional five minutes?

The Hon. the Speaker: Yes.

Senator Fortin-Duplessis: As described in detail in our report, these success stories are the result of genuine reform in China and India. The two countries have chosen a progressive development approach, as opposed to the shock approach taken by Russia after the collapse of the Soviet Union in 1991. In contrast with India, China's development has been led by a strong State and has involved tiered implementation. Most of these reforms are the result of experience and, as Deng Xiaoping said, "We must cross the river by feeling the stones."

Our report indicates that the long term goal for China's economy remains the reduction of its dependence on exports and investment. For the well-being of its people, China must also focus on the reform of health, education, labour law and environmental protection, as well as on job creation.

Recovery of growth in China has been driven by strong stimulus policy and bank loans to counterbalance the decrease in exports last year. Despite excess capacity in the steel and concrete industry, for example, China still has great growth potential and there are many opportunities on the horizon for Canadian companies.

Both countries rely heavily on imported energy and seek to invest in other countries to secure additional sources of energy.

In this period of recovery, it will be interesting to see how China and India will invest in economic, business and social structures characteristic of more mature and advanced economies. Will India one day catch up to China? It may be just a matter of time.

• (1450)

To conclude, I would like to highlight some recommendations that I believe to be of particular importance. In my view, the first priority is to continue to strengthen our political and economic co-operation. To benefit from the momentum established by recent high-level visits, especially that of the Prime Minister, the Government of Canada should increase such visits.

Given that the future lies in education, the second priority is to promote university exchanges. According to the figures submitted, by 2025, India and China will account for 50 per cent of the demand for secondary education abroad, or some 3.6 million students. Despite this vast pool of potential applicants, there are currently only 6,000 Indian students attending Canadian colleges and universities. In 2009, Canada accepted approximately 50,000 Chinese students who chose to come to Canada for their education. To improve Canadian education services, our government should adopt an international recruitment strategy for foreign students in order to increase the number of Chinese, Indian and Russian students in post-secondary institutions by emphasizing Canada's scholastic and vocational expertise and other comparative advantages.

Thus, when students return to their own countries, they become ambassadors for Canada. They are our best representatives. They are our best salespeople, because they understand Canada and are proud of the time they have spent here.

(On motion of Senator Tardif, debate adjourned.)

[English]

STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR

EIGHTH REPORT OF ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the eighth report (interim) of the Standing Senate Committee on Energy, the Environment and Natural Resources entitled: *Facts Do Not Justify Banning Canada's Current Offshore Drilling Operations: A Senate Review In the Wake of BP's Deepwater Horizon Incident*, deposited with the Clerk of the Senate on August 18, 2010.

Hon. Daniel Lang: Honourable senators, I move the adjournment of this item in my name as I intend to speak another day.

(On motion of Senator Lang, debate adjourned.)

[Translation]

STUDY ON CANADIAN SAVINGS VEHICLES

FOURTH REPORT OF BANKING, TRADE AND
COMMERCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Canadians Saving for their Future: A Secure Retirement*, tabled in the Senate on October 19, 2010.

Hon. Céline Hervieux-Payette: Honourable senators, I intend to move adoption of the report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Canadians Saving for their Future: A Secure Retirement*.

A number of expert witnesses testified and greatly helped our committee's work. It was enriching, and I think I can speak for my colleagues when I say that we were pleased to have input that will help the provinces as well as the federal government. This issue touches both jurisdictions.

I would like to make a few comments on our recommendations because my honourable colleagues may not have an opportunity to read the entire report.

The Hon. the Speaker: Honourable senators, the honourable Senator Hervieux-Payette indicated that she intended to move a motion. Perhaps that motion should be moved now.

Senator Hervieux-Payette: Honourable senators, I believed we were going to vote after I had made my comments. However, if the vote must take place immediately, so be it.

The Hon. the Speaker: You may continue, but the question will be on the motion.

Senator Hervieux-Payette: We may vote right away.

The Hon. the Speaker: It was moved by the honourable Senator Hervieux-Payette, seconded by the honourable Senator Pépin, that this report be adopted. The honourable Senator Hervieux-Payette has the floor.

Senator Hervieux-Payette: Honourable senators, I asked the advice of the Speaker's experts and I will follow his rules.

Honourable senators, I wanted to make a few comments on our recommendations: low-income Canadians and high-income Canadians are nonetheless well protected. It is middle-class Canadians who will have to make an effort when they retire.

Our committee had a very specific, very narrow mandate. We looked at two measures: the registered retirement savings plan (RRSP) and the recently established tax-free savings account (TFSA). Obviously it takes more than just those two measures to ensure a comfortable retirement for all Canadians and it was not our intention to suggest otherwise.

However, we have gone beyond those two measures. We have made comments about Canadians' knowledge of the financial sector, which is fairly closely regulated, and their knowledge of the profession of financial advisor. As we have seen in the past few years, the financial advisors may have failed in their duties, through a lack of skill or experience in certain areas.

The first recommendation was that the government should keep the ceiling on the annual contribution to registered retirement savings plans at 18 per cent. Our committee had no intention of increasing the ceiling, whose maximum is \$22,000.

However, we should ensure that employees who have contributed have access to multi-employer pension plans. There was a time when we started working for a company at 18 and did not leave it until we retired. Today, not only do we change companies throughout our lives, but quite often we change careers and roles. It is important to have the flexibility to change jobs while keeping any money that has been set aside and ensuring that the employer's contribution follows us.

We have proposed legislative changes to ensure that withdrawals from RRSPs remain taxable and that the withdrawal can be paid back in full.

The third recommendation was to increase the age from 71, as is currently stipulated, to 75, which would be phased in over an eight-year period. We will see in the next budget whether the Minister of Finance makes that possible. One of the reasons this issue was examined was that there are more and more people who do not retire at the age of 70, but who keep working, and this measure would help with the transition.

The fourth recommendation is interesting. It has to do with young people and TFSAs. The maximum amount in such an account would be \$100,000, which would be indexed as time goes on. We decided on this amount to take into account the

possibility of an inheritance or a windfall that an individual would want to put into savings for retirement. This account could reach a maximum of \$100,000 and the interest would be tax-free.

With respect to financial education for Canadians, we believe that the government could do more when it comes to educating the public about choosing a financial advisor. How can people make that choice and make sure they are fully aware of the risks?

• (1500)

Every expert on the matter says that we should not make the same investments at age 50 as we did at 25. During the recent financial crisis we saw pension funds melting like spring snow and people taking a much less comfortable retirement even though they had saved during their entire working lives. It is important for this sector to be examined closely.

Another concern is that management fees for certain funds are much higher than those in other countries, the United States in particular. It is good for the fund managers, but unfair to the people who will be retiring and do not earn the same lucrative salaries as the managers.

We think the Financial Consumer Agency of Canada should provide indicators that people could verify.

Education is concerned is a matter for the federal government, which administers the Canada Pension Plan and the Quebec Pension Plan. We will have to ensure that there is monitoring, supervision and innovation. We proposed that the fund be supervised by the federal government but managed by the private sector, while respecting very strict limits and rules in order to ensure that people get a good return and are given the flexibility to change jobs.

For those following this debate, we hope the provinces and the federal government will reach an agreement very soon. In the coming years, we must take precautions to ensure that the measures recommended by all the working groups are implemented as soon as possible. Supporting this impartial committee report would be a positive outcome for a Senate committee.

(On motion of Senator Comeau, debated adjourned.)

[English]

EMPLOYMENT INSURANCE

MATERNITY AND PARENTAL BENEFITS— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the need to adequately support new mothers and fathers by eliminating the Employment Insurance two-week waiting period for maternity and parental benefits.

Hon. Pamela Wallin: Honourable senators, I want to thank the opposition for their agreement to allow me to sit temporarily in this spot and to be allowed to speak. The broken foot and trying

to get around in the wheelchair has meant the time in my office has been very limited. I have not done the necessary work to respond to this inquiry. Thus, I would ask that the debate be adjourned in my name for the remainder of my time.

(On motion of Senator Wallin, debate adjourned.)

EROSION OF FREEDOM OF SPEECH

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Finley calling the attention of the Senate to the issue of the erosion of Freedom of Speech in our country.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given that Senator Cools does not intend to speak to this inquiry, which would essentially remove it from the Order Paper, I wish to adjourn the debate in my name.

(On motion of Senator Comeau, debate adjourned.)

RIGHTS OF MINORITIES AND INDIGENOUS PEOPLE

CHIAPAS DECLARATION—INQUIRY— DEBATE ADJOURNED

Hon. Donald H. Oliver rose pursuant to notice of November 30, 2010:

That he will call the attention of the Senate to the “Chiapas Declaration” which was adopted by consensus at the International Parliamentary Conference on “Parliaments, Minorities and Indigenous Peoples: Effective participation in politics” in Mexico on November 3rd, which urges every parliament to:

- Hold a special debate on the situation of minorities and indigenous peoples in their country;
- Recognize the diversity in society; and
- Adopt a Plan of Action to make the right to equal participation and non-discrimination a reality for minorities and indigenous peoples.

He said: Honourable senators, in my capacity as the head of the Canadian delegation of the Inter-Parliamentary Union, IPU, and as an elected member of its executive committee, I recently attended the International Parliamentary Conference in Chiapas, Mexico. The conference brought together parliamentarians from 34 member states of the IPU, including Australia and New Zealand, to discuss issues surrounding the effective participation of minorities and indigenous peoples in parliaments and national decision-making processes.

The conference was organized jointly by the Inter-Parliamentary Union, the Mexican Congress of the Union, the Government of the State of Chiapas in partnership with the United Nations

Development Programme, the United Nations Office of the High Commissioner for Human Rights, and the United Nations Independent Expert on Minority Issues and the Minority Rights Group International.

Participants at this conference adopted by consensus the Chiapas Declaration, an important document that calls for action by parliaments around the globe. This declaration puts forth the rights of minorities and indigenous peoples to equal participation in parliamentary and regional decision-making processes, and encourages parliaments and political parties to support those rights through a variety of potential legal and policy initiatives. By engaging in dialogue on this important subject in the Senate chamber, honourable senators have already taken positive action towards the implementation of the principles brought forward in the Chiapas Declaration.

This dialogue is an important first step that will hopefully generate more thought and discussion around the issue both within and outside of the Senate chamber. We should begin this endeavour by asking important questions about the potential factors affecting equal participation of minorities and indigenous people in the political decision-making processes, and our role as senators in generating solutions to address problems and remove barriers.

In particular, we must ask: What can the Senate do to facilitate the equal participation of minorities and indigenous peoples in the democratic process? What are the current barriers to equal participation? What needs and concerns in this regard do visible minorities and Aboriginal communities themselves articulate? What tools do the Senate and senators have to address these challenges?

In my remarks, I wish to provide information on international developments relating to the effective participation of minorities and indigenous peoples in democratic processes. I will next speak about Canada's experience with diversity, followed by an overview of mechanisms for the political participation and representation of indigenous people and minorities in this country. Lastly, I will speak to the potential for greater innovation on these issues within our parliamentary system and throughout the system of Canadian democracy.

The right of minorities and indigenous peoples to participate in decision-making is enshrined in numerous international instruments. Success stories from around the world demonstrate that adequate representation of minorities and indigenous peoples in societal decision-making is instrumental to breaking the cycle of discrimination and exclusion suffered by members of these groups in sharing disproportionate levels of poverty and related impediments to the full enjoyment of many cultural, economic, political, social and civil rights.

• (1510)

The Chiapas Declaration articulates the right of minorities and indigenous people to “full and equal membership of our nations.” The exercise of this right, in turn, requires the effective participation of minorities and indigenous peoples at all levels of government and, in particular, in regional and national parliaments.

The declaration notes that public policies must be sensitive to the situation, needs and aspirations of indigenous peoples. In addition, measures to ensure the effective participation of minorities and indigenous people should include prior consultation on public policies.

The articulation of rights entails responsibilities to ensure their protection and implementation. In this regard, the Chiapas Declaration calls on both political parties and parliaments to promote the effective participation of minorities and indigenous peoples. The declaration notes that it is the responsibility of political parties to reflect the concerns of these groups in their party programs. The declaration urges parliaments to take specific steps within the next two years towards ensuring the effective participation of minorities and indigenous peoples.

In particular, parliaments are encouraged, first, to hold special debates on the situation of minorities and indigenous people nationally; second, to adopt the plan of action on the right to equal participation and non-discrimination for minorities and indigenous peoples; and third, the declaration equally urges parliaments to adopt and implement laws, or evaluate existing laws, to end discrimination and provide for effective participation of indigenous people and minorities in decision making. Parliaments are also encouraged to take positive steps to ensure that the legislative process is transparent and accessible to minorities and indigenous peoples.

The Chiapas Declaration builds on other international instruments that call on national governments to implement rights to political participation for minorities and indigenous peoples. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by the United Nations General Assembly in 1992. Article 2 of the declaration articulates the right on the part of minorities to "participate effectively in cultural, religious, social, economic and public life."

I am proud to state that, on November 12, 2010, the Government of Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples. This declaration contains several statements on the right of indigenous people to participate in decision-making processes. For example, Article 5 of the declaration states:

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Another statement of indigenous peoples' rights to participate in the decision-making process is found in Article 18:

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

The Assembly of First Nations, AFN, in particular has spoken in support of Canada's endorsement of this declaration. The AFN National Chief has stated that:

The Declaration provides a guide and framework for First Nations, the federal government and all Canadians to continue our work together in ways that respect and implement Aboriginal and Treaty rights in the relationship between First Nations and Canada.

The national chief also noted that the endorsement of the declaration "presents an opportunity to press the 'reset' button on the relationship between Indigenous peoples and the rest of Canada."

Australia and New Zealand, both members of the Inter-Parliamentary Union, have also taken steps to strengthen the participation of their indigenous population in the electoral systems and the affairs of the state. For example, the government of Australia in 1990 established various forums for the political participation of indigenous Australians. The Aboriginal and Torres Strait Islander Commission, in operation since 1990 to 2005, was authorized to allocate budgetary resources for Aboriginal affairs and to play a role in policy development and implementation.

The Government of Australia later created a National Indigenous Council, which was in operation from 2005 to 2007. The council, comprised of indigenous members appointed by government, was an advisory body with no representative role.

In 2008, the Government of Australia undertook consultations on a national indigenous representative body to provide a voice at the national level for Aboriginal and Torres Strait Islander people.

In May 2010, the National Congress of Australia's First Peoples was incorporated. Comprising 120 individuals elected by indigenous Australians, the Congress will advocate for the rights and interests of Aboriginal and Torres Strait Islander peoples in Australia. In addition, in November of last year, the Government of Australia announced a process to frame a referendum question to recognize constitutionally Aboriginals and Torres Strait Islander peoples.

New Zealand has made strides in ensuring the representation of their country's indigenous population through a legislated system of guaranteed seats in the national parliament. The legislative framework in respect to national elections, which includes the 1867 Maori Representation Act, guarantees separate electoral seats to represent Maori ridings that span the entire country. The number of these guaranteed seats may vary depending on the number of Maori voters registered in the Maori electoral roll. For example, the number of guaranteed Maori seats was set to five in the 1995 general election and seven in the 2008 general election.

What is the Canadian experience? In brief, honourable senators, Canada, as you know, is one of the most ethnically diverse and multicultural countries in the world. Diversity is a fact of life in Canada and has become a basic cultural value and a characteristic by which we define ourselves as a nation.

Canada was originally home to the Aboriginal peoples — First Nations, the Metis and the Inuit people. Great cultural, linguistic and spiritual diversity is evident among the myriad Aboriginal nations in Canada. We also owe our diversity to a relatively long history of immigration. European settlement began in the 17th century, and several waves of immigrants have since come to Canada from all corners of the globe. The 2006 Census data show that Canadians represent more than 200 different ethnic groups.

Legal rights to political participation for Aboriginal and minorities have been strengthened over time. Across Canada, governments have taken many steps towards promoting effective participation of minorities and indigenous peoples in governmental decision-making processes. Visible minorities have constitutional and legislative protection from discrimination in all facets of our public life. Aboriginal peoples also have the rights, enshrined in constitution, to be consulted on matters that might affect them, including legislation proposed by Parliament. All Canadians are invited to participate in the democratic process by, for example, exercising their democratic right to vote or by seeking election to the House of Commons.

In my time remaining before honourable senators today, I will speak of two important aspects for the rights of minorities and indigenous people to full membership in our democracy. The first aspect is political participation in the democratic process and the second is political representation in all levels of government.

I will skip the first part and say that over the course of the last decade, it is clear that special care has been taken to ensure that more visible minorities were appointed to important roles in our parliamentary system. For example, the role of Governor General, the Queen's representative in Canada, was filled by Adrienne Clarkson, followed by Michaëlle Jean, both visible minority women who came to Canada as children. Additionally, several lieutenant governors of our provinces are, or have been, visible minorities and Aboriginal persons.

More recently, in my home province of Nova Scotia, the Conservative government of Premier John Hamm passed legislation in 2000 that set aside on provincial school boards a number of seats for Afro-Canadians in electoral districts with a high percentage of Blacks. The Province of Nova Scotia has also conducted numerous studies and consultations to look into the creation of an Aboriginal or Black seat in the legislature.

Most recently, the Mayor of Halifax has agreed to meet with Black residents to discuss the creation of a seat for blacks on the Halifax Regional Council. There are currently 24 members of the council, none of which are either an Aboriginal or a visible minority.

There is also an opportunity to participate in the legislative process as an elected official. Canadians have elected three provincial premiers of non-European descent: two in Prince Edward Island and one in British Columbia. Since 1991, every premier of Nunavut and the Northwest Territories has been of Aboriginal descent. At the municipal level, the first visible minority and the first Muslim mayor of a major Canadian city was recently elected in Calgary.

• (1520)

Honourable senators, I do not want to give the impression, however, that the situation in the country is without blemish; certainly, problems remain. Racism is a fact of life and immigrants to Canada and Canada's Aboriginal peoples do not always have all the chances to which they should be entitled.

Our Parliament still does not adequately reflect the diversity in Canadian society. For example, although Aboriginal peoples in Canada account for about 4 per cent of the population, only five members of the House of Commons are of Aboriginal descent, about 1.5 per cent of the total seats in the House of Commons. Aboriginal representation in the Senate is more balanced. Currently, six senators are of Aboriginal descent, accounting for about 5 per cent in this chamber.

Visible minorities are also seriously under-represented in Parliament. As I noted previously, visible minorities represent 16 per cent to 20 per cent of the total Canadian population; however, 22 visible minority candidates were elected in Parliament in 2004, representing only 7 per cent of the total seats in the House of Commons. The figures from the 2008 election were reportedly similar. In addition, visible minority senators represent some 5 per cent in this chamber.

Political parties also play a part in the political representation of visible minorities and Aboriginal peoples through their choice of candidates.

Honourable senators, could I have two or three more minutes?

Senator Comeau: Five minutes.

Senator Munson: Five minutes.

Senator Oliver: Another topical example of engaging minorities in the political process is the participation of non-resident citizens —, new immigrants to Canada who have not yet received their citizenship and do not have the right to vote — in Canada's major political parties through official membership in the party and participation in the selection process to choose candidates for electoral office.

Karen Bird, professor of political science at McMaster University in Ontario, wrote:

... the openness of the candidate selection procedures in Canada arguably allows for significant input from ethnic minorities. ...

Political parties in Canada have made efforts and inroads into increasing the representation of minorities on their rosters of candidates. However, if a truly representative Parliament of Canada is to become a reality, all political parties must do a better job at recruiting and retaining candidates to run for elected office.

Honourable senators, in countries with citizens of diverse ethnic backgrounds such as Canada, it becomes all the more important that all citizens are able to contribute to and benefit from society's

growth. We must work to avoid some citizens being prevented from full participation because of their ethnic origin, their religion, or the colour of their skin, and strive to ensure that all members of society benefit from the same access to education, employment, promotion and justice. It also means that we must strive for truly inclusive parliaments with greater civic engagement. That is to say all groups, regardless of gender, language, creed, heritage or ethnicity must have equal chances of participating in the political decision making process.

Honourable senators, in conclusion, let me say that I hope that the special inquiry on the issues raised by the Chiapas Declaration will be the basis for further discussion and action by the Senate of Canada — indeed, by the entire parliamentary system.

(On motion of Senator Di Nino, debate adjourned.)

(The Senate adjourned until, Thursday, February 3, 2011, at 1:30 p.m.)

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OFFICIAL REPORT
(HANSARD)

Thursday, February 3, 2011

—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**

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THE SENATE

Thursday, February 3, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

INTERNATIONAL YEAR FOR PEOPLE OF AFRICAN DESCENT

Hon. Lucie Pépin: Honourable senators, as Senator Oliver has pointed out, February has become a special time to highlight the contribution that Black people have made to Canadian society. I would like to pay tribute to a few of them.

The skills of interpreter Mathieu da Costa facilitated the arrival of the first French explorers. In recognition of his bravery, Nova Scotian William Hall was the first Canadian sailor to receive the Victoria Cross. Many people attribute the expression "Real McCoy," meaning authentic, to the ingenious inventor, Elijah McCoy.

Rosemary Brown, whom I knew, dedicated her entire life to fighting for women's rights.

James Calbert Best was one of the co-founders of the Civil Service Association of Canada, which would become the Public Service Alliance of Canada.

The contributions that Black people have made to our society go beyond music and sports. In almost all sectors of activity, members of this community work hard, using their talents to build our collective wealth.

However, I believe that this contribution would certainly be greater if there were fewer stereotypes. I do not think it would surprise anyone to hear me say that it is not always easy to be Black in Canada.

For example, the stereotype of the Black male as potentially dangerous still persists in our communities. According to Statistics Canada, among hate crimes motivated by race, Blacks are the most commonly targeted group. The same goes for racial or ethnic profiling.

The workplace is another area where discrimination or unfair treatment can be found. The list is long. Many Canadian Black leaders are capitalizing on the Obama effect not only to restore pride among young Black people, but also to remove prejudices towards their community.

It is our role as parliamentarians to help them. There is still work to be done despite the fact that we have the Canadian Charter of Rights and Freedoms, which affirms the multicultural nature of Canada.

Honourable senators, to mark Black History Month, I invite you to create closer ties and more dialogue with Black communities in your respective senatorial divisions. I am certain that you will return with the firm intention of moving forward with the proposal made by Senator Oliver in this place on June 14, 2010. Our colleague feels that we should acquire new tools fit for the 21st century to fight racism and increase Canada's tolerance in matters of race and religion.

I agree with Senator Oliver that the Senate is an appropriate place to launch such a dialogue on the contemporary issues of diversity and pluralism in Canada.

This is the perfect year for such an initiative because the UN has declared 2011 the International Year for People of African Descent. I wish all of you an enriching Black History Month.

[English]

SENATE ACCOUNTABILITY

Hon. David Tkachuk: Honourable senators, in December the Standing Senate Committee on Internal Economy, Budgets and Administration made public three internal audits conducted by Ernst & Young. We initiated these audits to identify problems and to fix them. We have also started to make public senators' expenses on a quarterly basis.

While the audits found no wrongdoing, our efforts to become more transparent have led to some rather sensational reporting. First is the suggestion that we refused the Auditor General entry to the Senate. In fact, last fall we voted to invite Auditor General Sheila Fraser to look at our operations.

One newspaper said we were globe-trotting the world with our spouses. The Senate does not pay for international travel by spouses, and the audit did not say that we do.

Confusion on the difference between "second-level approval" and "a second set of eyes" has led to false reports that we object to oversight. In the private sector, sometimes a supervisor signs off on someone's expenses. That is known as second-level approval — someone higher up approves one's expenses.

In the Senate, though, we are all equal. Who will take responsibility for my expenses? I am responsible for them, and that means I have to sign for them. It does not mean that my expenses are paid without oversight. We have a whole governance structure with rules as to what is paid or not paid, and we operate within that structure.

The Constitution demands that we reside in our home province, and that means we have to incur travel expenses to attend Senate sittings and other parliamentary functions. Our expenses are sent to the Senate's Finance Directorate for approval. This department is run by trained professional accountants and

bookkeepers who ensure that each expense complies with the Senate Administrative Rules and with its policies and guidelines before any payment can be made.

Each claim is reviewed line by line by two separate financial officials. Although this review is not second-level approval per se, it is a second set of eyes, and indeed a third.

All organizations — charitable, educational, businesses on the stock exchange, large family companies, churches, and even the news media — establish their own governance structures. Ours is as effective and rigorous as anything I have experienced in the private sector.

Our expenses are not paid with a wink and a nod. Receipts are required, questions are asked, justifications and additional information are requested, and there are clear limits and rules in place. If an expense is not allowed under the rules and policies, or if our paperwork is incomplete, we pay for it out of our own pocket.

A few of our news organizations should take a few minutes to read our rules before they go on their rants.

Honourable senators, we are making ourselves more accountable to the Canadians we serve, and we will continue to manage public funds conscientiously and carefully as we carry out our duties as parliamentarians.

THE LATE HONOURABLE KEITH DOUGLAS DAVEY, O.C.

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay respect to one of our former colleagues, a dedicated parliamentarian, proud Torontonion, Canadian, and steadfast Liberal supporter.

On January 17, the man known as “The Rainmaker,” Keith Davey, died at the age of 84. He will be remembered by many in this room for his tireless efforts as an effective National Director of the Liberal Party of Canada as well as for his successful role in achieving electoral victories for both Lester Pearson and Pierre Trudeau. He played a large role in shaping the face of Canadian politics with many new and innovative strategies.

He was also charismatic and convincing. My former teammate, Red Kelly, tells the story of when he was first approached to run as a Liberal Party candidate for member of Parliament in 1962. He had lunch with Lester Pearson and Keith Davey. Since Red Kelly had a young family and a flourishing career with the Toronto Maple Leafs, he shared his hesitation with the two men.

• (1340)

Mr. Pearson understood his reasons, but Keith Davey, determined to have Red Kelly as the Liberal candidate for York West, pulled the Prime Minister aside and told him not to agree with Red Kelly's reasons not to run. Ultimately, it was

Keith Davey who finally convinced Red Kelly to support the Liberal banner. He did so tirelessly as a member of Parliament for two terms while still playing for the Toronto Maple Leafs.

[Translation]

Keith Davey was appointed to the Senate in 1966 on the recommendation of Prime Minister Pearson. He served the people of Ontario in this capacity for 30 years. When he retired, he was named an Officer of the Order of Canada.

[English]

He was also a dedicated family man and will surely be missed by his wife, Dorothy, as well as his children and grandchildren. His enthusiasm and passion for politics seem to have been passed on to at least one of his sons, Ian, who served as Chief of Staff to Liberal leader Michael Ignatieff.

To paraphrase Senator Segal, who spoke about him shortly after his passing, he was a true competitor in that he wanted to win but he always remembered basic civility and was never mean to the other side in a personal way. To embody that fine balance in politics is both rare and admirable and will be greatly missed by many in the world of Canadian politics.

THE RIGHT HONOURABLE STEPHEN HARPER

CONGRATULATIONS ON FIFTH ANNIVERSARY AS PRIME MINISTER

Hon. Doug Finley: Honourable senators, it is with great pleasure that I rise today on the one thousand, eight hundred and twenty-third day that Stephen Harper has been Prime Minister of Canada. What was that number again? 1,823.

Tomorrow, he will become the eleventh longest-serving prime minister in Canadian history, passing Lester B. Pearson on this list.

Prime Minister Harper has regularly beaten the odds. Every single Ottawa pundit wrote off the Conservative Party in the spring of 2005. When Stephen Harper did form the government in 2006, the same pundits said the government would not last a year. Five years and another election victory later, Stephen Harper remains Canada's Prime Minister, and the pundits still struggle to understand why Canadians have rejected the self-proclaimed natural governing party not once, but twice.

If the pundits and the opposition do not understand it, then, to me, it must be blindingly obvious. Stephen Harper has stuck to the belief that hard-working Canadians pay too much in taxes. Income taxes have been cut across the board, taxes have been reduced significantly on job creators, and the Goods and Services Tax has been slashed by two points — a tax, I remind honourable senators, that the Liberals promised to abolish in 1993.

This government has worked hard to get tough on crime and to stop the revolving-door justice system — geared towards a system that protects the victims and their families instead of the criminal. Despite the Prime Minister and Minister Nicholson having to fight the “hug-a-thug” coalition every step of the way, this government has achieved some success in strengthening our laws,

but there remains a long way to go. I believe that recent additions to the government team, including Minister Fantino and Senator Meredith, will be a great boost to this endeavour.

Only a few months after he became Prime Minister, Stephen Harper showed his true courage on the international stage by standing as the only leader to resist Jacques Chirac in condemning Israel at the Francophonie.

Canada plays an important role in world affairs, leads the world economically and, unlike past governments, has refused to imperil core Canadian principles of freedom, the rule of law, democracy and human rights on the world stage.

Prime Minister Harper has ended the fiscal imbalance and has recognized the Québécois as a nation within a united Canada. This government apologized for the residential schools policy and the Chinese head tax, both of which were horrendous black marks on Canada's history.

I read that the opposition wants an election. That is akin to Kamikaze pilots asking for crash helmets. I have no doubt that Prime Minister Harper will prevail yet again and treat Canada to at least another 2,000 days or so of responsible Conservative government.

Congratulations to Prime Minister Harper on this momentous occasion.

YEAR OF THE RABBIT

Hon. Yonah Martin: Honourable senators, today is February 3, 2011, the first day of the lunar new year.

Happy new year.

Bonne année.

Sae-hae bok-ma-nee bah-deux-sae-yo, in Korean.

Shin-nyen gwai-leux, in Mandarin.

Gong-hat-fa-choy, in Cantonese.

Today is the anticipated start of the Year of the Rabbit, which quietly hops in after the sweeping tail of the roaring Year of the Tiger. The Year of the Tiger was a year of ferocity and dynamism — a year that began with great celebration at the Vancouver Olympic and Paralympic Games and ended with the swearing in ceremony of history-making honourable senators, Senator Don Meredith and Senator Larry Smith. A special New Year's greeting and welcome to our new colleagues.

According to sources, the Year of the Rabbit is projected to be a year of peace and diplomacy, hope and inspiration.

[Translation]

Honourable senators, in communities throughout Canada, Asian Canadians and others are celebrating the lunar new year by following the ancient traditions with families, friends and community members.

[English]

Early celebrations well under way in the Metro Vancouver region took place last weekend. They included a dinner reception hosted by the Consul General of China, Liang Shugen, and the Spring Festival organized by the Canadian community society association in Vancouver's historic Chinatown, which celebrated 125 years in 2010.

[Translation]

Some of my favourite traditions of the lunar new year have been passed down through many generations, including mine, my daughter's and that of my nieces and nephews.

[English]

If I were home this week, I would have cleaned the house in the spirit of out with the old and in with the new. My mother and I would have cooked several days in advance of the New Year's dinner to prepare the ingredients for the special rice cake dumpling soup called *dduk-ggook*, which brings good health and luck for the new year. We make extras because everyone always has seconds.

Families like ours gather to pay respect to our elders and their ancestors, eat together and play a traditional game called *Yut-nori*. The game played with four sticks is simple yet ingenious and has entertained people for millions of generations. It can be played by a whole family or by a stadium full of people.

My daughter's favourite tradition is called *she-beh* and is a formal bow to show respect to her elders. It is what she receives after the bow that she loves most: a white envelope of New Year's money — often fresh crisp bills from her grandparents, uncles and aunts.

[Translation]

On Sunday, February 6, 2011, I will be back in Chinatown to participate in the new year parade, and on February 19, 2011, I will enjoy the new year festivities in Koreatown, along North Road between Burnaby and Coquitlam.

[English]

Honourable senators, may this Year of the Rabbit be a good year for all, especially for health. Speaking of health, candies have been placed in the reading room for all honourable senators to enjoy in celebration of the lunar new year. Our world, especially in this time, needs peace and diplomacy, hope and inspiration.

HER MAJESTY QUEEN ELIZABETH II

CONGRATULATIONS ON FIFTY-NINTH YEAR AS SOVEREIGN

Hon. Michael L. MacDonald: Honourable senators, Sunday, February 6 marks a most historic moment in the life of the country. On this date, Her Majesty Queen Elizabeth II will mark her fifty-ninth anniversary on the throne as Queen of Canada. Indeed, at that moment Her Majesty will enter her sixtieth year as

our sovereign. This anniversary will be only the second time in our history that a head of state will mark a diamond jubilee; the other being Her Majesty Queen Victoria in 1897.

• (1350)

Since her first visit to Canada in 1951 as princess, and in some 23 visits since, Queen Elizabeth II has demonstrated not only her affection and dedication to this country and its people, but also has consistently exemplified the essence of service — something we would all be wise to emulate.

Upon her arrival in Canada, and Nova Scotia, at the beginning of her 2010 Royal Tour last June 28, Her Majesty stated that she was glad to be home.

Honourable senators, it was good to have our Queen with us then and it is reassuring to all Canadians to know that their sovereign, the Queen of Canada, remains perhaps the most beloved and admired person in the world.

Queen Elizabeth's contribution to this country has been immense. She has not only been a witness to our history, she has been a participant in key moments during her time in our midst.

As we stand on the verge of Her Majesty's Diamond Jubilee as Queen of Canada, I invite all honourable senators, and indeed all Canadians, to reflect on this incredible woman's unfaltering and unwavering dedication to our service.

May Queen Elizabeth continue to serve our country for many more years to come, and may we all continue to demonstrate our loyalty and affection for her that is so richly deserved.

God save the Queen.

[Translation]

God save Her Majesty the Queen.

ROUTINE PROCEEDINGS

JUSTICE

STATUTES REPEAL ACT— 2011 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2011 annual report on the Statutes Repeal Act.

[English]

Honourable senators, I would like to take this opportunity to congratulate Senator Banks for the results of his original bill. We now repeal bills that are older than 10 years and that have not become law. Congratulations, Senator Banks.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWELFTH REPORT OF COMMITTEE TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the twelfth report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with reports on international travel.

BOARD OF DIRECTORS GENDER PARITY BILL

EIGHTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE PRESENTED

Hon. Michael A. Meighen, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, February 3, 2011

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

EIGHTH REPORT

Your Committee, to which was referred Bill S-206, An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations has, in obedience to the Order of Reference of May 13, 2010, examined the said bill and now reports as follows:

Your Committee believes that Canadian corporations and institutions are best served when they do not limit themselves to the talent of just one gender and that having more women at the top improves financial performance. Therefore, gender diversity and strong corporate performance go hand in hand.

In this light, your committee sympathizes fully with the motives underlying Bill S-206's approach and applauds the bill's sponsor for her commitment in bringing the bill before Parliament and for her valuable contributions to your committees' deliberations.

Your Committee recommends that this Bill not be proceeded with further in the Senate for the reasons that follow.

Your committee believes that Bill S-206 attempts to impose requirements in federal law on the composition of provincially-incorporated and foreign-incorporated public corporations operating in Canada which raises a number of legal and constitutional issues. Moreover, while the bill gives the Director appointed under the Canada Business Corporations Act the authority to issue one-year deferments to these non-Canada Business Corporations Act corporations, it does not seem to give the Director any authority or role in ensuring non-Canada Business Corporations Act corporations comply with the gender parity requirement;

Your committee notes that the corporate governance provisions of the Canada Business Corporations Act and other federal statutes concerning financial institutions aim to provide a framework that allows companies to decide how they should operate. Bill S-206, if enacted, would move away from this principle. The shareholders are better placed to decide on the composition of their company's board of directors;

Your committee is aware that federal corporate statutes aim at fostering best corporate governance practices with a view to have the best qualified persons sitting on board of directors. Canadian corporations are already increasing the number of women on their boards. In the period 2006-2008, twenty-one percent of new director appointments in major companies were women, up from thirteen per cent in the period of 2003-2005; and

Your committee notes that Bill S-206's requirement for statutory declarations for all applications for certificates under the Canada Business Corporations Act will increase the regulatory and paper burden on corporations and would severely compromise the current system of electronic online applications. This may increase the costs of processing these applications, which could necessitate an increase in service fees. This increase in regulation could ultimately discourage federal incorporation.

Respectfully submitted,

MICHAEL A. MEIGHEN
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Meighen, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

ACCESS TO SERVICE CANADA

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate.

Service Canada offers single-window access across Canada to a wide range of Government of Canada programs and services for citizens. Manitoba's experience with Service Canada, with which I am quite familiar, is a positive one in particular for rural communities and for official language minority communities. Service Canada keeps isolated rural communities and official language minorities connected to their federal government in an effective way and allows a few federal jobs to be located in these regions, outside the larger centres and out of Ottawa.

• (1400)

Service Canada recently informed employees that it will close its Nova Scotia community offices in St. Peter's, Petit-de-Grat, Whycocomagh, Port Hood and Cheticamp as of March 31, 2011. Two of those community offices offer services in French and in English. CBC News has reported that the closing of the five Cape Breton Service Canada offices is part of a move to close every community office across the country and this worries me greatly.

My question is the following: Could we know the reasons why Service Canada is cutting services in Cape Breton? Can we expect other closures? If so, which offices and when?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I did not hear the CBC report. The facts that the honourable senator has stated were of concern to me. I had not heard of them and I tended to downplay them a little when I heard they were reported on the CBC. In any event, I will be honest with the honourable senator; I have not heard of this, I do not know, and I will take her question as notice.

Senator Chaput: I also would like to know whether or not there has been a study of the impact of those closures on services to rural communities and to official language minorities. If there has been a study, could we have a copy of that study, please?

Senator LeBreton: Honourable senators, I certainly will attempt to find out as much information as I can. I do know that Service Canada has provided a very good service to Canadians across the country.

I had direct experience with this when I was the Minister of State for Seniors. Especially in rural and remote areas, many seniors accessed Service Canada facilities, whether they were actually in an office or in a mobile unit.

As I mentioned before, I have not heard of this. I will certainly attempt to obtain the information, honourable senators. Senator Chaput asks good questions that are in the public interest.

CITIZENSHIP AND IMMIGRATION

FUNDING FOR SETTLEMENT SERVICES

Hon. Art Eggleton: Honourable senators, my question is for the Leader of the Government in the Senate. Over the Christmas recess, the government decided to cut \$53 million from settlement agencies that help newcomers to Canada, with \$43 million of these cuts targeted at Ontario. These cuts reduce the operating budgets of many organizations, some of them by up to 70 per cent.

Fourteen Toronto settlement agencies have been told they will lose all their funding from Ottawa this year. Surviving organizations will lose some 15 to 40 per cent of their funding. We are talking about agencies such as the Eritrean Canadian Community Centre, the South Asian Women's Centre and the Bloor Information and Life Skills Centre.

Ruby Banerji, an immigrant from India, in speaking about the South Asian Women's Centre, said that it helped reunite her with her two teenage sons after her husband died of a heart attack. In her words, "They gave me my life and always stand up for me. They are my family." This is one of the centres that will see severe cuts.

Will the leader help Ruby, and other Ontarians like her, and ask the government to reverse its decision on these settlement services?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the question of the honourable senator is based on false information. We have not cut settlement funding. We have tripled funding for settlement services for newcomers across the country after the previous government had frozen it for over a decade.

As the Minister of Immigration has pointed out, given the significant shift in the country in terms of where newcomers are settling, it only makes sense to realign funding across the country and move the settlement funding to where there is the greatest need.

Our government values newcomers across the country, including in Ontario. The shifting of this funding is simply a reflection of the government's responsibility not only to provide services to our new immigrants where they are settling, but also to be very mindful that this is the best use of taxpayers' dollars.

Senator Eggleton: Honourable senators, let us put this in some context. The leader points out that there has been a threefold increase. For many years, Ontario was not getting what it needed; it was not getting its fair share. Toronto, in particular, is by far the biggest entry point for immigration into this country. When the Ontario accord was signed, there was a substantial increase to make up for the fact that there had not been an accord before that time. One can paint this as part of the previous government, but the fact is that these are people who need these services.

The settlement agencies have now geared up their services to be able to deal with the vast numbers of people who immigrate and now they will be cut back from the level that they had attained, which was necessary for the degree of immigration into Ontario and the Toronto area, in particular.

Senator LeBreton: I am saying to the honourable senator that we are continuing with immigrant settlement funds. As I pointed out, we have tripled the amount.

Honourable senators should look at other measures we have taken for immigrants. When we came into office in 2006, we cut the landing fee for newcomers in half. That meant savings of approximately \$200 million to immigrants coming to Ontario. We have taken many positive steps to welcome our immigrants. We are funding immigrant settlement centres where the immigrants are.

We have cut the landing fee rate in half, we apologized for the Chinese head tax. We are putting significant dollars into the settlement centres where the immigrants actually are. This can hardly be described as turning our back on immigrants or making cuts, which we have not done.

Senator Eggleton: I did not say anything about the government turning its back on immigrants. What I am concerned about is that some of these agencies will be cut off entirely, I understand, and some of them are providing valuable services.

Will the government look at this matter on an individual appeal basis for some of the agencies that might be harder hit and which can demonstrate that they are providing a valuable service to the community?

Senator LeBreton: Honourable senators, I have said before that just because funding was sent to a certain place for a certain purpose does not mean those funds will continue to flow in perpetuity. Sometimes the need moves someplace else. Therefore, we are simply responding to the requirements.

Regarding the specific organizations that were involved in this process, if they are not in an area where immigrants are settling, it would hardly make any sense for the government to continue to put money into that area when, in fact, it would be much better to put that money into an area where there are immigrants, perhaps a hundred miles down the road.

The process that the minister and the government have followed is a good and valid process. It is meeting needs where the immigrants are. Certainly, our government has a very good record on all matters of immigration, including doing everything possible to make the settlement of immigrants in Canada as smooth as possible.

• (1410)

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate, and is also in relation to Toronto-based immigrant services agencies.

Could the minister shed any light on a mysterious memo that appeared after Christmas, when these cuts were made and while Parliament was not in session?

Honourable senators, this memo was sent to the groups, and they had planned to have a meeting to talk about the cuts, or proposed cuts, or moving the money around, but they were horrified to receive this memo from a federal settlement officer from Citizenship and Immigration Canada.

Part of the memo reads:

I don't believe that CIC settlement funding is a topic for the . . . meeting and therefore it should not be an agenda item.

This was a meeting that was supposed to provide a fuller picture of the extent of the cuts and how they would impact services. It sounds like a gag order to me.

Why is the government bullying community organizations trying to help newcomers to Canada?

An Hon. Senator: PMO, sticking your nose into it again.

Senator LeBreton: Honourable senators, I do not have any knowledge of the memo to which Senator Munson refers. I have no idea what the honourable senator is talking about, but what I do know is our government tripled funding for settlement services for newcomers across Canada. Our government tripled the funding after the government that the senator opposite was so intimately involved with froze that funding for over a decade.

Senator Munson: Honourable senators, for the record, the federal settlement officer's name is Nina Serrano. We would like to know who vets these kinds of memos?

Honourable senators, the minister talked about wanting to go where the need is and I suggest we look at west downtown Toronto. That area has 30,000 immigrants that is to say one of every six people is a recent arrival. In that area, 7 per cent of the residents and 11 per cent of the immigrants do not speak English and 80 per cent are identified as visible minorities. Unemployment for visible minorities stands at 11 per cent, with 7 per cent for the average citizen. Honourable senators, 9 per cent of visible minorities in the area say they have experienced racial discrimination in housing.

Some of the agencies that have been cut in the west end are Bloor Information and Life Skills Centre, Community Action Resource Centre, Davenport-Perth Neighbourhood and Community Centre, and the list goes on.

Does the leader not think there is still a need?

Senator LeBreton: Honourable senators, again, there are other agencies in Toronto and Ontario where immigrants are settling. I do not have the list before me, but I am certain it is extensive. This government is providing immigrant settlement services and funds in those areas. There is nothing complicated about it. We have increased the amount of money significantly. Obviously, when we are dealing with newcomers to Canada we want to provide the best services, but we should provide them to agencies in the communities where the newcomers are actually settling. I think that is what the government is doing.

Honourable senators, at any given time with funding, no matter what the funding envelope is, there are always adjustments made to provide funds to those organizations dealing with the greatest need.

[Translation]

INTERNATIONAL TRADE

CANADA—EUROPEAN UNION FREE TRADE NEGOTIATIONS

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with negotiations concerning the free trade agreement between Canada and the European Union.

As the leader knows, since May 6, 2009, Canada and the European Union have been engaged in important negotiations that should lead to an economic partnership agreement in the form of a comprehensive economic and trade agreement.

As pointed out by the Institut de recherche en économie contemporaine du Québec, unlike other free trade agreements, this agreement goes well beyond the usual scope of application, given that in addition to trade in goods and services it also includes investments, government procurement and labour mobility. The negotiations are expected to conclude sometime in 2011.

Many analysts, observers and stakeholders interested in these negotiations have expressed concern over the fact that no documentation is available for them to consult in order to follow the progress of negotiations. Indeed, we are told that the only documentation available dates back to January 2010 and nothing else has been published since that time.

Can the Leader of the Government tell us what the government has in mind in terms of a consultation process, before it goes ahead and ratifies the agreement?

[English]

Hon. Marjory LeBreton (Leader of the Government): As honourable senators are aware, when we formed the government five years ago we launched an ambitious trade agenda, opening doors for Canadian businesses and companies by concluding new free trade agreements with eight countries. This is quite an initiative when one considers that there were virtually no trade agreements signed by the previous government.

At the same time, we have launched the discussions on economic partnership with India and the European Union. A trade agreement with the European Union could boost Canada's economy by \$12 billion and increase two-way trade by 20 per cent. Minister Van Loan and the European Commissioner for Trade have declared that significant progress has been achieved and that negotiations will continue. Both sides have confirmed that the negotiations are progressing well ahead of expectations.

Honourable senators, Senator Fox is aware that I do not have more details because the government and our negotiating partners for the European Union, as I have just said, continue to work on this agreement.

[Translation]

Senator Fox: Is it possible that there will eventually be a report on the public consultation process in Canada that should be held before this agreement is ratified?

The minister will recall that there were rather extensive public consultations on the free trade agreement between Canada and the United States. I would be very reassured to know that there will be a broad consultation process before the agreement is ratified.

My second question is on the same treaty. During their visit to Parliament Hill last week, representatives of the Dairy Farmers of Canada showed a great deal of interest in this agreement and would like to be assured that the government's position has not changed and that supply management will not be up for negotiation.

Since the minister is suggesting that one of the main reasons is to increase business in Canada, could she say a few words about the position the government intends to take with respect to contracts awarded by the municipalities and the provinces and government contracts which, if I recall correctly, are excluded from the Canada-U.S. free trade agreement?

[English]

Senator LeBreton: Honourable senators, Senator Fox would know, because he was in government, the details of negotiations, of course, are between the parties, the governments involved. We have entered into free trade agreements with many countries, for example Panama and Jordan, and those agreements are before Parliament.

I will simply pass on to my colleague, Minister Van Loan, the honourable senator's desire to have more information. I will not make a commitment as to if and when that information will be forthcoming.

With regard to supply management, the Government of Canada has made it clear that it supports supply management and that it will continue to defend interests that are important to these industries in all international negotiations.

[Translation]

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government and follows on the excellent questions by Senator Fox.

As the minister may know, Canada's cultural industry and that of Quebec in particular, is much smaller than that of the United States or Europe.

Canadians want a vibrant cultural industry that, unfortunately, can only survive with help from the federal government. I need not remind the leader that Canadian artists create excellent musical and cinematographic works. A Quebec film — *Incendies* — has been nominated for an Oscar. Other Canadian works have won a number of international awards.

• (1420)

Canadian culture has not seemed to be a priority of your government in recent years. Prime Minister Harper has said he prefers to watch American channels for news. In light of such comments, are we to deduce that the Conservative government — which does not like the CBC much either — will reconsider the cultural exception in the North American Free Trade Agreement and not negotiate such an exception in the free trade agreement with the European Union?

[English]

Senator LeBreton: I guess the honourable senator does not want to be confronted with the facts. We have increased spending on arts, culture and heritage by 8 per cent. Our campaign promise was to maintain or increase spending on arts, culture and heritage and we have kept our word.

We reviewed spending to ensure maximum benefits go to artists, cultural groups and taxpayers, because taxpayers are footing the bill. As a result, there is more support for festivals,

theatres, museums and children's programs. We have increased direct support to arts and cultural organizations by putting a record amount into the Canada Council for the Arts to the tune of \$181 million. We doubled support for national arts training programs across Canada and we gave record levels of support to our artists on the world stage to the tune of \$22 million.

We delivered on our commitment to maintain or increase funding to the CBC. Funding to the CBC is currently at record levels. This was promised to the CBC by the previous government, but they did not live up to their promise; we did.

NATIONAL REVENUE

CORPORATE AND INCOME TAXES

Hon. Grant Mitchell: Honourable senators, in the government's sixth report to Canadians on Canada's Economic Action Plan, the analysis was presented that for every dollar spent on a corporate income tax reduction, there was a 30-per-cent, or 30-cent, multiplier effect on the economy. In contrast, for general personal income taxes, the average multiplier effect was dollar-for-dollar. On income tax reductions for low-income families, the multiplier effect was \$1.70 for every dollar of tax cut.

Why is it that, when confronted with the choice of making a tax cut, this government wants to give it to corporations rather than to families when clearly the multiplier effect, the impact on the economy and the ability to create more jobs will be as much as six times greater than from a tax reduction given to corporations?

Hon. Marjory LeBreton (Leader of the Government): One thing this government is known for is our commitment to relieving the tax burden on Canadians. I know it is hard for the honourable senator to accept, but his party favours higher taxes and more irresponsible spending. Our government, on the contrary, believes in keeping taxes low and our low tax plan is creating jobs for families right across the country. We reduced the overall tax burden to its lowest level in nearly 50 years. Since coming to office, we have cut over 100 taxes in every way that government collects them — personal, consumption, business, excise and more. Total savings for a typical family is about \$3,000.

As well, due to our actions, tax freedom day is now weeks earlier than it was under the previous Liberal government. We cut the GST from 7 per cent to 5 per cent, benefiting all Canadians, including those with incomes too low to even pay income tax. We have also removed over one million low-income Canadians from the tax rolls.

Honourable senators, we are making Canada a strong destination for investment and jobs with competitive taxes for our businesses. This is about creating jobs for hard-working families and helping our economy grow. The more businesses we attract to this country, the more we ease the tax burden on small, medium and large businesses. That means those businesses will have a climate to continue working and manufacturing in Canada, which means jobs for all Canadians.

I know this is hard for the honourable senator to accept, but even provincial governments of all stripes agree with this program and they support it. Regarding lowering business tax, they want to create jobs for people who live in their jurisdictions. That is why they support the government's policies in this area, unlike the honourable senator's party and its coalition partners that talk about massive tax increases that will be a massive job killer at the same time.

Senator Mitchell: How is it that the leader can think for one minute that lowering taxes in order to increase deficits is anything more than simply deferring taxes on future generations — generations to whom we have a huge obligation to hand a much stronger fiscal situation, not the kind of weaker fiscal situation that the leader's government has created with a \$56 billion deficit? I want to point out that the deficit was not mentioned in the laudatory comments made by Senator Finley, because he forgot to mention the abject failures of his government, particularly when it comes to deficits.

Senator LeBreton: First, honourable senators will remember we had a world economic crisis. Our government responded, and we responded to the need and the demands. Even when we were getting into the Economic Action Plan, the honourable senator's party and its coalition partners were demanding we spend even more.

However, there is not a \$56-billion deficit, as Senator Mitchell well knows. The Finance Minister and the government are on a deficit reduction path and we will not do what was done in the mid-1990s: We will not pay down the deficit on the backs of the provinces at the expense of health care and education, or completely strip the EI fund of all the money that was in it.

Some Hon. Senators: Oh, oh.

Senator LeBreton: The Minister of Finance has a plan to get us out of deficit while at the same time creating a climate that will continue to allow our economy to grow and create jobs. That is why all world economists and all bodies say that Canada is leading the G7 out of the recession.

Senator Mitchell: Every honourable senator absolutely agrees with one thing the leader said, and we have no doubt that the leader's government will not pay down the deficit because God knows it has never done it before. If one wants a deficit, then they should vote Conservative.

A report released today by the CIBC points out that Canadian companies are stronger than they have ever been before. There are fewer bankruptcies and they are sitting on piles of cash. At the same time, our tax rates are better than corporate tax rates in the U.S. They are very competitive.

In contrast, we have a record \$56-billion deficit. It is unprecedented — breathtaking. We have families —

The Hon. the Speaker: I regret to inform honourable senators that the time allotted for Question Period has expired.

• (1430)

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on November 24, 2010, by Senator Hubley regarding the Convention on Cluster Munitions.

FOREIGN AFFAIRS

CONVENTION ON CLUSTER MUNITIONS

(Response to question raised by Hon. Elizabeth Hubley on November 24, 2010)

Although the Canadian Forces still possess some cluster munitions, Canada has never produced or used them in operations and the CF are in the process of disposing of all stocks.

For example, the Canadian Forces completed the destruction of their entire stockpile of MK20 “Rockeye” air-delivered cluster munitions in 2006. The only cluster munitions remaining in Canadian Forces possession are artillery based, 155mm Dual Purpose Improved Conventional Munitions. These munitions have been removed from operational inventory and are awaiting disposal. This will take place once DND and Public Works and Government Services Canada complete all procedures to allow destruction in accordance with all applicable regulations.

Similar to the Ottawa Anti-personnel Landmine Treaty, the Convention on Cluster Munitions permits states parties to acquire or retain a limited number of cluster munitions for training in cluster munition detection, clearance or destruction, and for development and research of cluster munition counter-measures, such as personal protection gear. The CF currently has no plans to retain any cluster munitions for these purposes, but this issue may be re-assessed in the future as developments warrant.

The Oslo Process was initiated “to outline the objectives and develop an action plan for a process leading to a new international instrument of international humanitarian law” on cluster munitions. Canada has fully supported these efforts to address the impact of cluster munitions on civilians and was among the first nations to sign the Convention on Cluster Munitions in December 2008.

Canada participated in the recent First Meeting of States Parties to the Convention held in Laos in November 2010 in the role of “Friend to the President” and was involved in the development of the 2011 Programme of Work that includes a framework to assist signatories with implementation and to support universalization of the Convention.

Canadian officials are currently finalizing documentation necessary for the government's formal consideration of ratification of the Convention on Cluster Munitions.

Prior to ratification of the Convention on Cluster Munitions, Canada will want to ensure that domestic legislation is in place to allow for implementation of its obligations. International instruments often involve a range of issues including policy, legal, financial, defence, and international relations which must be considered before formal ratification.

[English]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND— MESSAGE FROM COMMONS—AMENDMENTS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-6, An Act to amend the Criminal Code and another Act, and acquainting the Senate that they had passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. *Page 1*: Delete clause 1.

2. *Page 3, clause 3*: Add after line 28 the following:

“(2.7) The 90-day time limits for the making of any application referred to in subsections (2.1) to (2.5) may be extended by the appropriate Chief Justice, or his or her designate, to a maximum of 180 days if the person, due to circumstances beyond their control, is unable to make an application within the 90-day time limit.”

3. *Page 3, clause 3*: Add after line 28 the following:

“(2.7) If a person convicted of murder does not make an application under subsection (1) within the maximum time period allowed by this section, the Commissioner of Correctional Service Canada, or his or her designate, shall immediately notify in writing a parent, child, spouse or common-law partner of the victim that the convicted person did not make an application. If it is not possible to notify one of the aforementioned relatives, then the notification shall be given to another relative of the victim. The notification shall specify the next date on which the convicted person will be eligible to make an application under subsection (1).”

4. *Page 6, clause 7*: Replace line 9 with the following:

“3(1), within 180 days after the end of two years”

5. *Page 6, clause 7*: Replace line 19 with the following:

“amended by subsection 3(1), within 180 days”

(On motion of Senator Comeau, amendments placed on Orders of the Day for consideration at the next sitting of the Senate.)

ELECTRICITY AND GAS INSPECTION ACT WEIGHTS AND MEASURES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator MacDonald, for the second reading of Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Nicole Eaton moved second reading of Bill C-35, An Act to amend the Immigration and Refugee Protection Act.

She said: I am pleased to rise today to support Bill C-35, the government's legislation aimed at protecting would-be immigrants and the integrity of immigration programs by cracking down on unscrupulous immigration representatives.

As the Minister of Citizenship, Immigration and Multiculturalism has said, people anxious to immigrate to Canada can fall victim to unscrupulous immigration representatives who charge exorbitant fees and may promise would-be immigrants high paying jobs or guaranteed fast-tracked visas.

This behaviour is unethical and unprofessional, and it can lead to disastrous results for immigrants. Take the case of Irma Luque, Ricardo Miranda and their son Christian. The Miranda family sought the assistance of an immigration consultant who promised them work and visas. This consultant charged the family US\$5,000 and kept them waiting for years, yet delivered no results.

Sadly, this case is not an isolated one. Every year, many newcomers are lured by false promises and guaranteed visas by unscrupulous third-party representatives.

Consultants who advise would-be applicants before an application is made, and who are otherwise concealed from federal officials, are referred to as “ghost consultants.” These ghost consultants are often difficult to identify because their involvement is purposefully concealed and because there is currently no regulation in the pre-application period or before a proceeding has begun, creating a gaping loophole.

The bill before the Senate will amend the Immigration and Refugee Protection Act so that only authorized representatives can provide representation or advice for a fee at any stage of the proceeding or application. This amendment includes services provided before an application is submitted or a proceeding begins, thus closing a loophole in the current framework.

These representatives will be limited to lawyers, notaries in Quebec, paralegals regulated by a law society and consultants who are members in good standing of a governing body designated by the Minister of Citizenship, Immigration and Multiculturalism.

Bill C-35 will also improve how immigration consultants are regulated. There are currently no mechanisms in the act that provide for oversight of the regulatory body responsible for immigration consultants. This bill will provide the minister with the power by regulation to designate a self-regulated, non-partisan body of which a majority of its board will be elected by its members.

To enhance the government’s oversight of the designated body once legislation is in place, regulations will be drafted requiring the body to provide information for the purpose of ensuring it governs its members in the public interest.

As well, the government is presently limited in its ability to disclose information on individuals providing unethical or unprofessional representation or advice to those responsible for governing or investigating that conduct. Bill C-35 provides clear authority for such disclosure.

This disclosure provision will achieve a fine balance between protecting the privacy interests of members and applicants while still protecting potential immigrants from unscrupulous consultants. Personal information about immigrant applicants will be shared only to the extent that it is deemed to be relevant to the alleged misconduct.

In response to issues raised by stakeholders and members of the House of Commons Standing Committee on Citizenship and Immigration during the committee’s study of Bill C-35, amendments to the bill have been made.

Honourable senators, the spirit of compromise and co-operation surrounding this bill has been remarkable. Indeed, Bill C-35 was adopted at third reading without any opposition. This co-operation demonstrates the recognition by all parties of the urgent need to help protect vulnerable would-be immigrants and help safeguard our immigration system against fraud and abuse.

This spirit of compromise and co-operation has been demonstrated also through the adoption of the following key amendments: one, recognition of paralegals regulated by a law

society of a province as authorized immigration representatives; two, respect for Quebec’s jurisdiction while maintaining federal authority over the regulation of immigration consultants; three, indication in the act of the minister’s authority to revoke the designation of a body through regulations; four, doubling of maximum fines for the offence of providing unauthorized immigration representation or advice, from \$50,000 to \$100,000 upon conviction of an indictable offence, and for summary offences, from \$10,000 to \$20,000; and five, increasing the length of time to institute a proceeding by way of a summary conviction to 10 years, as opposed to the initially proposed 5 years — investigators would thus be provided ample time to investigate properly and fully various offences committed under the act and lay charges before the time period lapses.

I am sure honourable senators will agree that the body regulating consultants must regulate effectively and must be held accountable for ensuring their membership provides services in a professional and ethical matter.

The 2008-09 reports of the Standing Committee on Citizenship and Immigration pointed to a lack of public confidence in the body currently governing immigration consultants. In parallel to the legislative process, Citizenship and Immigration Canada has taken additional action to address this lack of public confidence by launching a transparent public selection process under current authority to identify a governing body for immigration consultants.

A call for submissions was published in the *Canada Gazette* on August 28, 2010, offering individuals or organizations interested in becoming the regulator of immigration consultants until December 29, 2010, to deliver their submissions.

• (1440)

Interested parties needed to demonstrate their capacity to regulate effectively immigration consulting activities in the public interest, thereby enhancing public confidence in the immigration process and preserving the integrity of the immigration system.

A selection committee comprised of officials from Citizenship and Immigration Canada and the Canada Border Services Agency as well as external experts was put in place to review the submissions received. The committee is providing the Minister of Citizenship, Immigration and Multiculturalism with a recommendation as to which of these organizations, if any, has or will have the capacity to meet the established organizational competencies that serve as selection factors for this process.

Many options were considered to address the lack of public confidence in the body currently governing immigration consultants, including the introduction of new stand-alone legislation to re-establish the body in a law society model.

It was determined that moving forward with the legislative changes to the Immigration and Refugee Protection Act found in Bill C-35 would strengthen government oversight of the regulator, improve discipline of its members through the information-sharing provision and create a new criminal offence for non-members.

The establishment of a non-profit governing body builds on previous legislative change and on the Government of Canada's experience in structuring and implementing an agreement with a non-profit body.

The chosen approach, therefore, limits the resource implications, financial and otherwise, on the Government of Canada with similar outcomes to a statutory model, making it the most practical cost- and time-efficient approach to the regulation of immigration consultants.

In addition, since the regulator of immigration consultants will need to be incorporated under the Not-for-Profit Corporations Act, which will soon come into force, this act will contain more robust remedies that will help ensure better governance and accountability from the board.

The membership will also have a larger role in holding the governing body accountable to the new terms of the act. Meanwhile, efforts to raise awareness of the risks of engaging unscrupulous immigration representatives are constantly evolving, including the update of websites in Canada and at visa offices abroad to carry warning messages to immigrant applicants.

Further service improvements, including web-based tools and video tutorials are being developed by CIC to make it easier for applicants to apply independently to immigrate to Canada without relying on immigration representatives.

Overseas applicants seek assistance from immigration consultants for a variety of reasons. Given the fact that Canada cannot directly investigate matters in other countries, the investigation and prosecution of third parties residing abroad is challenging. That is why the Government of Canada continues to work with overseas partners to address and discourage ghost consultants who are advising applicants and are beyond the reach of Canadian law.

It is clear that fraud remains a widespread threat to would-be immigrants as well as to the integrity of our immigration system. It is also clear that unscrupulous immigration representatives are at the heart of this problem.

Honourable senators, in closing, I must again point out the commendable cooperation between the government and the opposition during the committee's study of Bill C-35, which ensured its passage in the other place. Bill C-35 is, after all, a chance to crack down on unscrupulous representatives who exploit prospective immigrants and undermine the integrity of Canada's immigration system. I am confident that honourable senators will feel the same way and will express this by supporting the bill.

Hon. Tommy Banks: Will the honourable senator accept a question?

Senator Eaton: Yes.

Senator Banks: Bill C-11, called the Balanced Refugee Reform Act, is currently before the government. Section 6 of the present bill comes into force only when Bill C-11 receives Royal Assent. Can the honourable senator tell us the status of Bill C-11? It is a precursor to section 6 of this bill coming into force.

Senator Eaton: I will have to inform myself as to the whereabouts of Bill C-11, which I will do at the beginning of the week.

(On motion of Senator Tardif, debate adjourned.)

CANADA POST CORPORATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Peterson, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-219, An Act to amend the Canada Post Corporation Act (rural postal services and the Canada Post Ombudsman).

Hon. Catherine S. Callbeck: Honourable senators, this order stands in Senator Di Nino's name. I have talked to him, and he has agreed I could speak on it at any time and have it adjourned in his name.

I am pleased to rise today in support of Bill S-219, which calls on the federal government to protect and strengthen the delivery of postal services in rural communities across Canada. This is an important issue, and I strongly commend Senator Peterson for bringing it forward.

• (1450)

Rural residents recognize that our post offices are one of the cornerstones of our rural communities. They are critical for rural residents and businesses. It has been incredibly frustrating for the people of rural Canada to experience the decline of rural postal service. They have watched while this government has shut down 42 rural post offices and 55,000 rural mailboxes. This is a very important service to all Canadians. That is why this bill seeks to protect and strengthen postal services and it deserves our wholehearted support.

This bill will require that written notice be given to residents six months before a proposed change. Consultations must be taken four months before a proposed change. I agree with having these time frames enshrined in legislation. Too often, changes have been made without consulting the people who live there.

As well, this legislation requires that an ombudsman be appointed who will investigate complaints, review policies and practices, and report on any complaints, policies or practices that are not satisfactorily corrected.

There is no question that in the span of the last half century, this country has been transformed. No longer is Canada a predominantly rural country. The major population shifts have resulted in the vast majority of Canadians now living in urban communities. In the process, rural communities have lagged the rest of the country in terms of population, social, economic and cultural opportunities, health care and education. Rural

communities throughout Canada have already lost many of the basic amenities and services they need. That is why it is even more important that the federal government fulfill its responsibilities to the people of rural Canada.

When I was a member of the Standing Senate Committee on Agriculture and Forestry, the committee released a report in 2008 called "Beyond Freefall: Halting Rural Poverty." In this report, the committee noted the loss of services in rural areas. The report stated:

The committee believes that the federal government should consider working with the provinces and the municipalities to deliver as many services as it can through as many regional and rural delivery points as possible. The role of rural post offices, for example, could perhaps be expanded to provide a range of federal, provincial/territorial and municipal services that might otherwise be unavailable and, in so doing, save the rural post office itself from closure.

Given that 67 per cent of post offices, approximately 4,400, are located in non-urban communities, there is great potential in that recommendation for rural Canada. The federal government's response to this recommendation was:

Government departments and agencies may make arrangements with Canada Post to deliver services to Canadians through rural post offices.

I hope that the departments and the agencies have and will thoroughly examine this option, and that the result will be more services for rural Canada.

We all know that the majority of Canadians are now living in urban areas, but, while the population has shifted, the future of rural Canada is still critical to the future of the whole country. The same report of the Agriculture Committee, to which I referred, states:

... it should be clear that the committee is convinced that Canada needs its rural areas. We believe that rural Canada matters a great deal for a number of important reasons. One of these is the fact, frequently mentioned by our witnesses, that rural Canada remains a crucial part of this country's economy. Rural Canada is where we produce the vast agricultural ... mineral ... forestry ... fisheries ... and energy ... wealth that pulses through our urban centres.

The report recognizes that the well-being of our economy and of our environment, not to mention the well-being of our citizens, depends on the well-being of both rural and urban Canada.

Postal services are an essential part of the fabric of our society. They allow businesses to keep in contact with customers and suppliers. They allow individuals to keep in touch with one another. Postal services are of special importance in our rural communities, as often they are the only means of ensuring mail delivery.

Already rural businesses and residents are being disadvantaged because they do not have equal access to communications and information technologies. For example, broadband is not

universally available throughout many parts of rural Canada. That makes it more difficult for rural businesses to conduct their affairs and to remain competitive. It also makes it more difficult for rural residents to access information and other resources in order to participate fully in the global society.

Honourable senators, there was a time in this country when all Canadians could mail a letter six days a week for five cents. Since that time, costs have continued to escalate and the level of service has continued to decline. The employees of Canada Post are to be commended for their dedication and hard work to maintain quality services, but they need the support and the resources to do their jobs. This bill will help to ensure that our postal services are provided in a way that meets the expectations of Canadians and provides them with the quality of service that they need and deserve.

Our postal services are a vital part of the fabric of society, helping individual Canadians and businesses to keep in touch with one another and with the world around us. It is time for the federal government to recognize the need to protect and strengthen our postal services, especially to rural Canadians. That is why I wholeheartedly support this bill and I encourage honourable senators to do the same.

The Hon. the Speaker *pro tempore*: Honourable senators, as previously agreed, this matter will now stand adjourned in the name of Senator Di Nino.

(On motion of Senator Callbeck, for Senator Di Nino, debate adjourned.)

• (1500)

[Translation]

THE SENATE

MOTION TO RESOLVE INTO A COMMITTEE OF THE WHOLE TO RECEIVE THE COMMISSIONER OF OFFICIAL LANGUAGES AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN ONE HOUR AFTER IT BEGINS—
DEBATE ADJOURNED

Hon. Claudette Tardif (Deputy Leader of the Opposition), pursuant to notice of December 9, 2010, moved:

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive the Commissioner of Official Languages; and

That the Committee of the Whole report to the Senate no later than one hour after it begins.

She said: Honourable senators, today I would like to speak about the notice of motion I tabled in the Senate on December 9, 2010.

To begin, I would like to respectfully acknowledge the importance of Senator Comeau's participation in the debate on Bill C-232. His opinions and arguments are highly respected and the ensuing discussions are always fruitful.

Honourable senators, let me get to the heart of the issue. I believe it is imperative that we invite the Commissioner of Official Languages to appear before the Senate in Committee of the Whole so that he can respond to Senator Comeau's statement that the commissioner has overstepped his boundaries by speaking out about Bill C-232.

On Tuesday, December 7, 2010, during his speech concerning Bill C-232, Senator Comeau made the following statement:

I suggest that the commissioner publicly justify how and under what mandate he is using the considerable powers and resources of the Office of the Commissioner of Official Languages to lobby for bilingualism policies that clearly fall outside the commissioner's mandate.

I would like to point out that this motion is based on the principle that the mandate of the Commissioner of Official Languages may have been misinterpreted. It is therefore vital that the commissioner be allowed to appear before the Senate in Committee of the Whole so that he can shed some light on his mandate, responsibilities and public statements since Bill C-232 was introduced in the other place.

This motion regarding the commissioner is completely justified. Given his right to be heard and to provide a public explanation, is it not therefore only appropriate to invite the commissioner to appear before the Committee of the Whole in the Senate to give him an opportunity to answer our questions and to provide us with clarification on his mandate and responsibilities?

I would also like to point out that, in his speech, Senator Comeau said that he wanted to hear the commissioner speak about his mandate at the Office of the Commissioner of Official Languages.

I would like to remind you of an excerpt from Senator Comeau's speech in which he questioned the role of the commissioner and expressed his disappointment. He said:

This is why I am particularly disappointed and disturbed with the decision of the Commissioner of Official Languages to lobby for passage of legislation that takes away the language rights of candidates for the Supreme Court of Canada and supports the imposition of bilingualism.

Senator Comeau said that the bill has nothing to do with the Official Languages Act. He even questioned how the commissioner could use his office to lobby for a bill that goes against the principles of the Official Languages Act and the constitutionally protected rights of Canadians. According to Senator Comeau, "the commissioner is wrong and is outside his mandate to downgrade the right to a privilege to serve their country." The commissioner sent Senator Comeau a letter on December 23, 2010, in response to these statements, with a copy to me. In that letter, the commissioner stated the following:

As I understand it, I may be summoned to appear before the Senate when it resumes in 2011. I would be happy to take that opportunity to respond to your statement.

Clearly, Senator Comeau's statements are worthy of our attention. The Commissioner of Official Languages should have the opportunity to explain his position in this chamber.

Furthermore, I would like to draw your attention to the fact that my honourable colleague's comments about the commissioner's mandate have been criticized and questioned by constitutional law and language law experts. Contrary to what my honourable colleague has said, these experts have stated that Bill C-232 has everything to do with the concept of official languages and is part of the evolution of Canada's linguistic duality. The Constitution Acts, as well as the Official Languages Act, have the purpose of guaranteeing the preservation and development of official language communities in Canada, not guaranteeing the unilingualism of individuals.

Allow me to quote an excerpt from a letter published in *La Presse* on December 15, 2010, which was signed by experts such as Linda Cardinal, a professor in the School of Political Studies of the University of Ottawa, and Pierre Foucher, a professor of law at the University of Ottawa and a constitutional expert:

We must look at this bill in terms of its restorative aspect, that is, we must look at it as an attempt to right the past wrongs that French-speaking minorities have been subjected to in Canada. Let us not look at this as being motivated by revenge, but instead as being an opportunity for Canada to build new relationships with its francophone population, to encourage better dialogue and to give equal recognition to the historic contribution both peoples and both cultures have made to our country. This could also be an opportunity to strengthen the francophone identity and the French language in Canada by making it genuinely valuable.

On December 31, 2010, in a letter published in *Acadie nouvelle*, nine professors from the faculty of law at Université de Moncton said:

The debate is not whether a unilingual lawyer has the right to be appointed to the Supreme Court of Canada, but whether the defendant has the right to speak and make written observations in the language of his choice before a court that is able to understand him directly, without the assistance of an intermediary.

What the opponents of Bill C-232 seem to forget is that at the heart of the linguistic provisions is the principle of a society in which the members of the official language communities are equal partners.

In light of this and in light of the tenets of linguistic duality, the application of the Official Languages Act and the evolution of the jurisprudence, I truly hope that the commissioner's position in the debate on Bill C-232 will be explained so that it is better understood.

This is a very serious issue. I would like to share a comment made by the Honourable Michel Bastarache, former Supreme Court Justice, in a note that he sent to me on December 9:

The Commissioner of Official Languages must promote the rights of the defendant and equal access to the services of the Supreme Court. He should intervene to force the

government to not make exceptions to the equal status of languages with respect to their use in an institution as fundamental as the Supreme Court.

[English]

Allow me to remind honourable senators of the duties of the Commissioner of Official Languages as specified in the Official Languages Act in Part IX, section 56(1):

It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society.

• (1510)

[Translation]

When Graham Fraser was appointed in 2006, Prime Minister Stephen Harper made the following statement, which was published in the newspaper *L'Express* the week of September 19 to 25, 2006:

Graham Fraser is an excellent candidate for the position of Commissioner of Official Languages. He will bring to the position a deep understanding of and sensitivity to Canada's linguistic duality, a profound knowledge of Canada's language policy and its impact on minority language communities, as well as the independence of mind of a journalist.

Let us therefore give the Commissioner of Official Languages, an officer of Parliament in whom the government has put its full confidence, the opportunity to appear before the Senate. Let us give him the opportunity to testify and explain his role and his statements as part of the debate on Bill C-232.

I am convinced that the clarification the commissioner will provide will serve to enhance and advance the debate on Bill C-232 and make it even more relevant and objective. We will then be able to move on to the next step, which is examination of the bill in committee.

Let us not forget that this bill was passed by the majority of members elected to serve in the other place and that it has been at second reading in the Senate for more than 300 days. The least the Senate can do is to refer Bill C-232 to committee in accordance with the Senate's traditional role as a chamber of sober second thought. Let us keep in mind that all Canadians, without exception, deserve to be treated equally before the Supreme Court, the highest court in the country.

Honourable senators, I therefore ask you to please vote in favour of this motion so that we can hear the Commissioner of Official Languages speak about his role and mandate as part of the debate on Bill C-232. We could all benefit from a better understanding of the issues.

Hon. Claude Carignan: Would Senator Tardif agree to answer a few questions?

Senator Tardif: Certainly.

Senator Carignan: I gather that Senator Tardif's motion responds to a request by an officer of Parliament who wants to testify as part of the debate on the bill currently at second reading stage and respond to arguments made by one of the members of this chamber.

It seems rather unusual to me for an officer of Parliament to want to enter this chamber to take part in a debate on a bill, to respond to a parliamentarian and to give his point of view. To your knowledge, has this ever happened since 1867?

Senator Tardif: I would like to clarify to Senator Carignan that this motion was not moved at the request of the Commissioner of Official Languages. The motion was moved following Senator Comeau's comments to the effect that the commissioner had overstepped his mandate.

These were very harsh comments against the commissioner. I think it goes without saying that we should invite the commissioner to explain his mandate and responsibilities with regard to the Official Languages Act and to answer questions.

Following Senator Comeau's comments and my notice of motion, the commissioner indicated that he was prepared to testify. It should also be noted that Senator Comeau's comments clearly indicated that he believes it is important for the commissioner to publicly explain his intentions with regard to this debate.

Senator Carignan: You have said that the commissioner acted within his mandate. In my opinion, the debate on this matter has to be held between members of the Senate and not by bringing a third party into this chamber. Not being an expert on parliamentary law, I would like to know whether you verified the legality of this in terms of parliamentary law at the time of adoption since we are at second reading stage of the bill.

The Hon. the Speaker pro tempore: Senator Tardif's time is up. Are you asking for more time?

Senator Comeau: Five minutes.

Senator Tardif: I must say that, as parliamentarians, we are entitled to invite the Commissioner of Official Languages. He is an officer of Parliament and there is nothing especially unusual about inviting an officer of Parliament to appear.

Also, given the remarks, I do not believe that this is a debate. We can certainly invite the commissioner to come and ask him to talk to us about his mandate, role and responsibilities. The mandate and role of the commissioner have been challenged. And instead of having a debate amongst ourselves, I think it is important to have the opinion of the person in that role and for whom the mandate and functions are well defined.

[Senator Tardif]

Hon. Maria Chaput: I move the adjournment of the debate.

(On motion of Senator Chaput, debate adjourned.)

Hon. Gerald J. Comeau (Deputy Leader of the Government): I believe that another senator wished to ask a question. Senator Chaput may move the adjournment of the debate afterwards.

[Translation]

Senator Chaput: Very well.

[English]

Hon. John D. Wallace: Would the honourable senator accept a question?

Senator Tardif: Yes.

Senator Wallace: Would not the type of input you suggest the Commissioner of Official Languages provide be better placed before committee?

Senator Tardif: Honourable senators, I would hope that after 300 days this bill would be referred to committee. I would agree that the Commissioner of Official Languages undoubtedly would be invited to appear before committee. However, those remarks were made before the Senate as a whole. Therefore, the Commissioner should have the opportunity to present his views before the Senate as a whole.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 8, 2011, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, February 8, 2011, at 2 p.m.)

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Tuesday, February 8, 2011



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, February 8, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

BLACK HISTORY MONTH

Hon. Donald H. Oliver: Honourable senators, February is Black History Month. It is a time of year that is very important to me.

First of all, I would like to congratulate Senator Pépin on the excellent speech she made on this subject last week. Her speech was well received by the African-Canadian community and the entire country.

[English]

This year marks the eighty-fifth anniversary of the first Negro History Week, which was later expanded to a month-long celebration. In Canada, the event was first celebrated in the 1950s in Toronto, but it was only 16 years ago that it received national recognition.

In 1995, the House of Commons adopted a motion to recognize February as Black History Month. The Senate needed to adopt a similar resolution and three years ago, I tabled a motion to officially recognize Black History Month, which was unanimously adopted by honourable senators.

In spite of these significant recognitions, most Canadians remain woefully ignorant about the enduring contributions of Blacks to Canada's history. Black History Month reminds us of what life in Canada was once like for Blacks and other people of colour. Life was not always easy for people of colour and although we have come a long way, we still have a long way to go.

During Black History Month, and throughout the year, we need to speak out against racism; the racism that still affects Blacks and other people of colour; the racism that continues to impede our progress and to stall the growth of Canada as a diverse, inclusive and progressive society.

As the Prime Minister said this week in *The Hill Times*:

February is an opportunity to celebrate the values of perseverance and dignity that have defined the Black community in Canada.

Honourable senators, above all, I believe Black History Month is a time to discuss solutions for ending discrimination and that is exactly what I intend to do throughout the month. I will engage a number of federal government departments, public servants and students in open discussions about diversity and racism in Canada. I will give several keynote speeches this month

including to Treasury Board Secretariat, the Department of National Defence, and National Archives Canada for Canada Revenue Agency's Black History Month event. I will also meet with high school students in Halifax and Dartmouth to raise awareness of African heritage. In April, I will be the keynote speaker at the annual Harry Jerome Awards in Toronto. This awards ceremony recognizes and honours excellence in achievements in people of African-Canadian descent.

Honourable senators, celebrating Black History Month and acknowledging our past offers much inspiration for the more than 800,000 Canadians of African descent.

Honourable senators, my message is simple: We should look back with pride on yesterday's achievements, but we must also acknowledge today's problems and look forward to tomorrow with vision and hope, for as George Washington Carver once observed, "Where there is no vision, there is no hope."

I invite all honourable senators to join me in the fight against racism and discrimination in Canada during Black History Month and throughout the year as we celebrate the International Year for People of African Descent.

HOSPICE PALLIATIVE CARE IN PRINCE EDWARD ISLAND

Hon. Elizabeth Hubley: Honourable senators, on Saturday, February 5, at the Confederation Centre Public Library in Charlottetown, I attended the launch of a book entitled: *I Know an Angel... The First 25 Years of Hospice Palliative Care on PEI, 1985-2010*. The book presents an historical review of hospice palliative care in Prince Edward Island over the past 25 years.

Written by Eleanor Davies of Stratford, herself a founder and a 25-year volunteer with hospice, the book chronicles how a small group of dedicated Islanders who, recognizing the need for hospice palliative care, made a big impact on the life of Islanders living with life-threatening illnesses. Their motto became "Make each day count."

Volunteer chapters of hospice exist throughout the province. In the past 25 years, over 1,500 trained volunteers have provided in excess of 45,000 hours of care in a variety of settings, including the community, patients' homes and palliative care beds in acute and chronic care facilities. These volunteers are an important component of the Integrated Palliative Care Program.

Honourable senators, hospice volunteers across the country are truly angels who give of themselves to provide comfort and support to patients and to the families of patients who are living with life-threatening illnesses.

I am proud to say that Eleanor Davies is my sister, and I remind all honourable senators to make each day count.

SALVATION ARMY

CONGRATULATIONS TO COMMISSIONER LINDA BOND ON ELECTION AS GENERAL

Hon. Ethel Cochrane: Honourable senators, last week, in an announcement that was live-streamed worldwide over the Internet, the Salvation Army announced the election of their new world leader — a Canadian woman.

Commissioner Linda Bond, a Salvationist from Glace Bay, Nova Scotia, was chosen to become the nineteenth general of the church. Nominated for the position by her peers, Commissioner Bond was elected by the High Council of the Salvation Army, a body composed of senior leaders from around the world. General-elect Bond will officially become general on April 2.

It may be surprising to honourable senators that Commissioner Bond is the third woman and only the fourth Canadian to hold this important position. It is quite a remarkable story for a woman who was born the youngest of 13 children to a British immigrant mother and a coal miner father.

In her new role, General-elect Bond will lead a church that is 1 million followers strong and active in more than 123 countries. The church also has more than 100,000 employees who communicate in over 175 different languages.

With 42 years experience in Christian ministry and leadership, Commissioner Bond brings a wealth of experience and talent to her new role. In addition to being a leader and ordained minister of religion, she has served in local church ministry, on staff at national and regional headquarters, and as part of the training staff for new officers.

Previously, Commander Bond led the Salvation Army in Canada and in Bermuda, and held a range of leadership positions in the United Kingdom and the United States. She currently leads the church in Eastern Australia.

Honourable senators, I applaud the general-elect for her lifelong commitment to service and I offer her my prayers and best wishes as she leads her people in the challenging years ahead.

• (1410)

[Translation]

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THE ESTIMATES, 2010-11

SUPPLEMENTARY ESTIMATES (C) TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2010-11 Supplementary Estimates (C), for the fiscal year ending March 31, 2011.

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (C)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2011.

[English]

OLD AGE SECURITY ALLOWANCE

NOTICE OF INQUIRY

Hon. Catherine S. Callbeck: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will call the attention of the Senate to the inequities of the Old Age Security Allowance for unattached, low-income seniors aged 60-64 years.

[Translation]

FIRST CONFERENCE OF ARAB EXPATRIATES

NOTICE OF INQUIRY

Hon. Pierre De Bané: Honourable senators, I give notice that, two days hence:

I shall call the attention of the Senate to the First Conference of Arab Expatriates, conference organized by the League of Arab States, that was held in Cairo, Egypt, from December 4 to 6, 2010.

QUESTION PERIOD

FISHERIES AND OCEANS

REPAIRS TO NEW BRUNSWICK HARBOURS

Hon. Rose-Marie Losier-Cool: Honourable senators, my question is for the Leader of the Government in the Senate. Near the end of December, the coastal areas of northern and eastern New Brunswick were ravaged by three successive storms accompanied by breaking waves and very strong winds. Several harbours and vessels were damaged, thereby compromising this year's fishery, which should begin in May. Most of these small fishing harbours fall under federal jurisdiction, but according to a CBC/Radio-Canada report on January 17, 2011, the Department of Fisheries and Oceans has a maintenance budget of only \$25 million to \$30 million a year to maintain all fishing harbours under its jurisdiction. That amount is not usually enough, even in a normal year.

Could the Leader of the Government ask the Minister of Fisheries and Oceans for a list of the criteria that will be used by the department to determine which ports in my province will receive assistance, and could she table that list here in the Senate?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Departmental staff officials have been inspecting harbours to determine the extent of damage and the estimated cost of repairs.

Public safety, as honourable senators know, is our first priority. We are working with all partners to secure sites and ensure that the most pressing repairs are undertaken well in advance of the upcoming fishery season.

[Translation]

Senator Losier-Cool: I thank the Leader of the Government for her response, for this is an urgent matter. Fishers want to get ready for this year's season and are counting on the government to make additional emergency funds available in order to repair the terrible damage caused by the storms.

[English]

Senator LeBreton: Honourable senators, as I indicated in my first answer, this is absolutely the objective of the government. The government is well aware of the extent of the damage and the cost to the coastal communities. I will ask the department to provide a brief update on the status thus far so that I can provide honourable senators with more detail.

[Translation]

Senator Losier-Cool: The storms also ravaged tourist attractions like Parlee Beach and the Bouctouche dune, two of the most beautiful areas in Canada. In order to rebuild, will those sites be eligible for assistance from the Infrastructure Stimulus Fund, since it has been extended until October 2011? Do those sites satisfy the criteria to benefit from additional assistance?

[English]

Senator LeBreton: Honourable senators, I visited some of the sites that were affected and the extent of the damage is overwhelming.

With regard to the stimulus funding, as honourable senators know, the announcement to extend the stimulus funding was for projects already under way. Obviously, these repairs and all the work that is done in this area will be coming from other sources, but I will clarify that for Senator Losier-Cool.

HEALTH

SODIUM WORKING GROUP

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. Last November, I asked her about Health Canada's Sodium Working Group, which was an expert panel that had recommended voluntary restrictions on the amount of salt allowed in packaged and processed foods.

At the time, the leader said:

Sodium levels are extremely high in Canada. That is why, as the honourable senator mentioned, we established the Sodium Working Group.

The leader also pointed out the fact that the minister had established the working group as evidence of this government's commitment to the issue.

Now we hear that Health Canada has quietly disbanded the working group that brought forward these recommendations. These experts will no longer be monitoring and evaluating the effectiveness of the restrictions.

Why did this government disband the expert panel, which had been working so hard to improve the lives of Canadians?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Callbeck for the question.

Obviously, as I reported to honourable senators, this working group was established because we are concerned, as are all Canadians, about the high level of sodium in our food. We certainly thank the members of the group for their hard work and we are pleased to endorse their interim goal for sodium reduction. As a result of their report, we are now working with the provincial and territorial governments and their health authorities to develop a strategy based on the recommendations of the advisory group.

Senator Callbeck: I thank the leader for her answer. However, the fact is that the work of this working group was not completed. Let me read to the leader its mandate:

... the multi-stakeholder Working Group will develop, implement and oversee a population-health strategy for the successful reduction of the sodium content of the diets of Canadians ...

The strategy was developed. The next step, specifically, was the implementation and oversight, and this is clearly the responsibility of that Sodium Working Group, according to the mandate.

My question is the following: The working group started the initiative, and they are experts in their fields, so why does this government not let them finish the job?

Senator LeBreton: Actually, honourable senators, the government is letting them finish the job, because organizations that are also members of the Sodium Working Group are now part of the advisory committee charged with implementing the recommendations in the provinces and territories. We have not simply shelved this report. We have their plan and the organizations that were in the Sodium Working Group are now charged with implementing the plan that they recommended.

[Senator Losier-Cool]

Senator Calbeck: With all due respect, I would ask the leader to check into that, because the members of the working group are really not part of the group that will be implementing this.

• (1420)

Senator LeBreton: Honourable senators, I will check into it, but the people who were on the Sodium Working Group belong to organizations. I will have to verify whether or not they are exactly the same individuals — they may not be — but the organizations that they represented on the Sodium Working Group are now part of the advisory committee charged with implementing the plan.

[Translation]

HUMAN RESOURCES AND SKILLS DEVELOPMENT

REORGANIZATION OF SERVICE CANADA

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, it was announced that five Service Canada offices in Nova Scotia, two of which provide services to Acadians in both official languages, would be closing their doors. Since that time, I have learned that 13 Service Canada offices in Newfoundland and Labrador will be closed. This morning, I learned that some community offices in Ontario will be closed and that changes will be made to the services offered by 50 community offices in remote areas of the country.

Service Canada has over 19,000 employees, nearly 90 percent of whom work in some 300 offices and 14 call centres. Of these, there are 136 designated bilingual service centres in four large regions: Western Canada and Territories, Ontario, Quebec and Atlantic.

Service Canada is a model for providing on-site services to remote rural communities and linguistic minorities. Designated bilingual offices are found in these communities. The Commissioner of Official Languages has already stated that Service Canada has become a key player in the delivery of front-line federal services.

Given that 136 designated bilingual service centres can be found from one end of the country to the other, did the government take into consideration its obligations under the Official Languages Act and Regulations? Did it conduct a study on the impact that these changes would have on official language minority communities? If so, is this study available and can I have a copy?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. The government fully supports and implements Canadian laws and one of the very important Canadian laws is the Official Languages Act.

As a result of the honourable senator's question last week, I have made inquiries. Obviously, Service Canada has been a great success story. It has provided Canadians with timely access and services across the country when dealing with the government.

The community offices that the honourable senator referred to in her question last week did not have government employees working in them. Residents in those areas could not get answers to inquiries and could not apply for benefits such as OAS and CPP at these locations.

Instead, the government is implementing a scheduled outreach site for local residents where they can apply for access to government services and all benefits such as OAS, CPP and social insurance numbers. They will also continue to have access to full Service Canada centres within reasonable distances and can access services online and by phone.

I wish to stress that some of the community-based offices did not have government employees and could not provide the services that now can be provided through this new measure.

[Translation]

Senator Chaput: Was this reorganization planned in consultation with the communities? Can the Leader of the Government in the Senate convey the serious concerns we have about this to the Department of Human Resources and Skills Development? The question I ask myself is this: Is this reorganization, if we can call it that, the best way to support the vitality of communities?

[English]

Senator LeBreton: Absolutely, honourable senators, the government did consult. Now, constituents in many rural and remote communities do not have to drive all the way to a major centre to a Service Canada office to apply for benefits. For the first time, residents will be able to apply for benefits and services such as OAS, CPP and social insurance in their own communities.

I reiterate, honourable senators, that Service Canada has been a great success story. As a government, we are working on that success story to improve services. Some of the facilities did not have people who were able to provide the government services Canadian citizens want and that is why the change was made. Obviously, changes were made to benefit people who live in rural and remote areas.

[Translation]

Senator Chaput: I am pleased to hear it is a success story; it is actually one of the best success stories ever. The federal government should be congratulated for having established this type of service. Therefore, honourable senators, you will understand why I am greatly concerned by the reorganization. We had not heard anything about it. This news has taken us by surprise. That is why I am asking the Leader of the Government in the Senate to find out if a plan has been prepared. Has the impact this will have on official language minority communities been taken into consideration? Could I please obtain a copy of this reorganization plan?

[English]

Senator LeBreton: Honourable senators, the purpose and the goal of the government is to provide outreach service to all of our citizens. In my previous work as the Minister of State for Seniors for three years, from the beginning until the end, the one

wonderful story I kept hearing was about the improvement of services in both official languages through the offices of Service Canada — so much so that when we had workshops for seniors, Service Canada sent their regional or community employee to participate.

As I said in my first answer, honourable senators, the government fully respects and implements the law, which is the Official Languages Act. However, if there is more information I can provide on this subject, I would be happy to get it for the honourable senator.

[Translation]

HERITAGE

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION— APPOINTMENT OF VICE-CHAIRPERSON

Hon. Pierre De Bané: My question is for the Leader of the Government in the Senate. Does the government realize that major broadcasting issues are being or will soon be discussed at CRTC hearings, such as the renewal of licences for French and English specialty services, the renewal of the CBC/Radio-Canada licences, the vertical integration of distributors and broadcasters and, finally, the acquisition of Bell Canada by CTV?

In view of the importance of these strategic matters, the government published the selection criteria for the position of Vice-Chairperson (Broadcasting), which has been vacant for more than five months, in the *Canada Gazette*. This position commands an annual salary of more than \$220,000, and the incumbent, according to the government's official press release:

• (1430)

Reporting to the Chairperson of the CRTC, the Vice-Chairperson is responsible for assisting the Chairperson in providing effective leadership to the Commission, assuming responsibility for broadcasting issues, and for providing executive support in the management of an independent regulatory body.

The *Canada Gazette* then provides a very detailed list of selection criteria concerning experience, knowledge, abilities, and strong analytical skills.

My question for the leader is the following: Did Mr. Pentefountas, the face of the ADQ in Quebec and a criminal lawyer, take part in the competition posted in the *Canada Gazette* and send his curriculum vitae to the Assistant Secretary to the Cabinet by July 28, 2010?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Mr. Pentefountas was appointed as the CRTC vice-chair and the honourable senator correctly read into the record the minister's announcement of his appointment. This individual went through a thorough, independent, open selection process through Canadian Heritage and was found to be completely qualified.

I am confident he will make a positive contribution to the CRTC. As the government, we are proud of this appointment.

[Translation]

Senator De Bané: Madam Leader, this full-time, Vice-Chairperson position has been vacant since August 31, 2010, when former Vice-Chairperson Michel Arpin was told his mandate was over, in March 2010. The government announced it would issue a call for candidates. Mr. Arpin submitted his application, but was never called to meet the selection committee.

Pierre Trudel, media law professor at the Université de Montréal, wrote the following in *La Presse* yesterday, Monday, February 7, about Mr. Pentefountas's appointment:

I find this appointment disturbing. Usually people in this position have excellent knowledge of the industry and its rules. The CRTC makes a thousand decisions a year. The government seems to want to undermine the CRTC.

Mr. Trudel continued:

I find it hard to understand how Michel Arpin can be replaced by someone with a fraction of his experience.

My question, Madam Minister, is this: Why was Mr. Arpin not called for an interview, since he applied for the position?

[English]

Senator LeBreton: I am not party to the process that Canadian Heritage went through. However, I clearly explained to the honourable senator in my first answer that this gentleman went through an independent, open selection process through Canadian Heritage.

The honourable senator might have different views as to Mr. Pentefountas's character. I do not know the gentleman personally, but when he went through the selection process, he satisfied all the concerns and met the criteria they were looking for. He is a skilled lawyer, as the honourable senator pointed out.

As I said in answer to the honourable senator's first question, the government is confident that he will make a positive contribution to the board, and we are proud to have appointed him as the vice-chair of the CRTC.

Senator De Bané: I assure the leader that there is no precedent to this decision. When one looks to the past, there has never been a vice-president of the CRTC who was not an expert in either telecommunications or broadcasting. There are no exceptions in the history of the CRTC that we have appointed somebody who must be a capable person in the field in which he practices but who has absolutely no experience and no knowledge whatsoever about the different criteria.

Why has the government broken that wise tradition and not appointed somebody who commands the respect of the entire industry? If I can put it another way, why is it that in this country, when we appoint somebody to be in charge of food safety, head of a department, chief of the military or head of a mission abroad, we take the best?

In an industry so vital to Canada, where major decisions must be made in the near future — the buying of Bell Canada by CTV, the vertical integration of distributors and broadcasters, et cetera — why is it that this time we said, “Forget the tradition that we have for all departments and government positions. For this one, we will appoint someone who might give us some political payback”?

An Hon. Senator: Oh, oh!

Senator LeBreton: That last statement is regrettable. The honourable senator makes what I believe to be incorrect assumptions that this individual is not qualified to serve on this body. The honourable senator can make the argument that people in that particular industry have certain biases one way or the other. I would argue that an individual coming to the CRTC with a strong legal background and a fresh set of eyes would probably serve the agency better.

Having said that, I think the honourable senator performs a great disservice to Mr. Pentefountas and the people at Canadian Heritage. Again, this individual went through an independent, open selection process through Canadian Heritage. I suggest to the honourable senator that we give this gentleman an opportunity to take up his position and work within the CRTC before we prejudge in any way whether this person is suited for the job. Canadian Heritage thinks he is suited to it.

This individual has a solid educational background and I think it is unfair to prejudge anyone appointed by any level of government based on past practice — that somehow the individual would not be fit to serve in certain capacities within Parliament or the government. If we prejudged on that basis, the same could be said perhaps regarding about half the people sitting in this Senate chamber.

• (1440)

Senator De Bané: Honourable senators, I have a great deal of respect for the Leader of the Government. Obviously, some elements of this file were not brought to her attention.

The deadline to present curriculum vitae for consideration was the end of last June. In November, Mr. Robert Fife of CTV announced that Mr. Pentefountas would be the new Vice-Chairman of Broadcasting of the CRTC. In December, Mr. Lawrence Martin reported in *The Globe and Mail* that he had phoned Mr. Pentefountas and asked if he had competed. Mr. Pentefountas said that no, he had not competed in any way, shape or form. Something does not make sense here.

When someone is appointed to the judiciary, for example, the chief justice of the court is consulted to know what abilities are required, whether they be expertise in criminal law, administrative law, commercial law, insurance, maritime law, et cetera.

In this case, was the Chairman of the CRTC consulted to know what abilities were required? Mr. Pentefountas said in December 2010 that he had never competed for the position or even submitted his curriculum vitae; and the competition was closed at the end of June 2010. Something does not smell very good.

Senator LeBreton: I can only repeat what I said earlier: An independent and open selection process was held and Mr. Pentefountas was considered to be the best candidate.

The honourable senator mentioned the media and Mr. Martin. I recall an old saying attributed to Mark Twain: If you don't read the newspaper, you are probably uninformed. If you do read the newspaper, you are probably misinformed.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting three delayed answers to oral questions. The first, raised by Senator Sibbeston on October 26, 2010, concerning Environment—Arctic Offshore Drilling Requirements; the second raised by Senator Fox on November 24, 2010, concerning Public Works and Government Services Canada—Untendered Government Contracts; and the third raised by Senator Banks on December 15, 2010, concerning Transport—Rail Freight Service.

ENVIRONMENT

ARCTIC OFFSHORE DRILLING REQUIREMENTS

(Response to question raised by Hon. Nick G. Sibbeston on October 26, 2010)

Since the fall 2010, the National Energy Board has been meeting with Aboriginal groups, Northern communities and Northern governments to gain an understanding of their perspectives in the context of the Arctic review.

Further, the National Energy Board will provide up to \$300,000 in funding to assist with travel costs for participation at meetings to discuss and comment on information gathered in the Arctic Review.

In addition, the Department of Indian and Northern Affairs is providing \$120,000 in funding to conduct focussed workshops in Northern communities.

PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

UNTENDERED GOVERNMENT CONTRACTS

(Response to question raised by Hon. Francis Fox on November 24, 2010)

Sole source contracts are entered into only when there is a rationale that complies with the Government of Canada Contracting Regulations. These are usually:

- Cases of pressing emergency;
- When the nature of the work is such that it would not be in the public interest to solicit bids;
- Where only one person or firm is capable of performing the contract.

Based on the past ten years, an average of approximately 80% of all contracts awarded by PWGSC were competitive.

During the period 2006-2009, 80% of non-competitive procurement by value was because there was only one person capable of performing the work, intellectual property or exclusive rights, or prototype or interchange parts for an existing system.

While the percentage varies from year to year, the percentage of sole source contracts decreased in 2008 by 2% compared to 2007 and again in 2009 by 2.9% compared to 2008.

TRANSPORT

RAIL FREIGHT SERVICE

(Response to question raised by Hon. Tommy Banks on December 15, 2010)

Canadian National Railway and Canadian Pacific Railway have established extensive networks throughout Canada and into the United States. These Canadian railways continue to invest significant capital in their networks and equipment to increase efficiencies and to better serve Canadian shippers. Where it makes economic sense to do so, they have reached commercial agreements to allow another railway to run over their tracks. There are a number of cases where shortline railways have agreements to run over the track of Canadian National Railway and Canadian Pacific Railway. The Asia-Pacific Gateway has benefited greatly by such agreements, which have reduced congestion and decreased the time that it takes to move the goods of Canadian shippers to port.

A running rights provision exists within the *Canada Transportation Act*. A railway company may apply to the Canadian Transportation Agency for the right to run and operate its trains over any portion of any other railway. The Agency may grant the right and impose conditions on either railway regarding the dual use of the tracks. The Agency may also fix the amount to be paid by the guest railway to the host railway.

[English]

ORDERS OF THE DAY

BILL PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Comeau, for the second reading of Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

Hon. Jim Munson: Honourable senators, I rise at second reading as the opposition critic on Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service. I am grateful to be permitted time to reflect on this proposed legislation following its introduction in December in this chamber.

Our colleague, Senator Runciman, introduced and first spoke in support of the bill. He cited the honour and privilege we share as parliamentarians to "shape Canadian society so that our children can grow, learn and thrive in a safe and secure environment." I wish to thank Senator Runciman for these words and for launching our study and discussions on Bill C-22 in this way.

Honourable senators, I, too, support the purpose of this proposed legislation, which is to make it harder for child pornographers to operate; it makes good sense.

Since its introduction to our lives, the Internet has presented us with incredible, ever-emerging possibilities. It is difficult to imagine getting along without it. Yet, as we all know, the Internet has an underside — a context for crime and, as a consequence, for human beings to be harmed. In my mind, there is no online criminal activity more heinous than child pornography. It is bad enough that this industry exists at all. Add to this the fact that it has been able to proliferate and to seemingly out-run our laws and the capacity to enforce them.

Honourable senators, my primary concern is with the victims of child pornography, specifically the children who are being violated, assaulted and murdered as subjects for this atrocious material.

I have a little background on legislation in Canada. In the 2001 Speech from the Throne, our government of the day committed to focus on safeguarding all Canadians from criminals on the Internet and outlined steps to ensure that our laws would protect children from those who could prey on their vulnerability.

Since then, Canada has continued its legislative enforcement and educative efforts to deal with Internet child pornography. The challenge with the Internet is keeping up. Developments are constant and they are rapid. Bill C-22 represents a necessary and timely advancement in our capacity to identify and prosecute child pornographers. It sends a message to those who provide Internet services to the public that they have a social, moral and legal obligation to report pornographic material when they come across it.

I am hopeful that Bill C-22 will be referred to committee as I have some questions on its content to be answered by the minister and other witnesses who will appear. I have concerns about certain parts of the bill that warrant study and debate.

For example, why does the bill set up two distinct reporting requirements depending on the circumstances? As I understand clause 3, if members of the public were to advise an Internet service provider, an ISP, that they think child pornography is available at a certain Internet protocol address, website or webpage, they would have to report this Internet address to an

[Senator Comeau]

agency to be designated by regulation. However, clause 4 sets up a different reporting obligation, whereby an Internet service provider that has reasonable grounds to believe that its network is being used to transmit child pornography must report its suspicions to the police.

The rationale for these clauses eludes me and begs a number of questions, chief among them being: Why would the police not be notified in all cases? I understand that we do not want Internet service providers to have to investigate tips from the public, but we are, after all, talking about a possible offence under the Criminal Code.

The wording of the bill tends to suggest that a member of the public might not know what constitutes child pornography, but that an Internet service provider should know. Is this a valid distinction to make?

As for this other yet-to-be-named organization, I question whether it is appropriate to designate it by regulation. Who are the investigators within this organization and how are they trained? What is their code of conduct? How will information be dealt with and disposed of? Will this organization be a government agency or an arm's-length one?

Why are we suggesting that investigative work normally done by police be dealt with by an organization other than the police? Is this done in other parts of the Criminal Code or for other offences?

In my view, honourable senators, these are far more than administrative details. They affect the strength and viability of the bill, as well as a need for accountability. The committee should explore these issues and, in the process, assess whether some should be articulated within the bill rather than dealt with through regulations. Honourable senators, I appreciate that this law is urgently needed. However, I also think we will run into setbacks if we do not engage parliamentarians appropriately.

• (1450)

Some of the contextual issues include preventative education. In addition to what is inside the bill, I want to know more about its context. I had the opportunity last week to speak with Marv Bernstein, Chief Advisor, Advocacy for UNICEF Canada. He talked about Bill C-22 as one part of what should be a coordinated approach to strengthening an overall child protection environment. From the perspective of the United Nations International Children's Emergency Fund, UNICEF, education is a crucial part of the picture. Children and youth need to understand and reflect on activities like "sexting" and photo sharing. We have a responsibility to educate and guide young people on the possible implications of activities like these. They are not a game.

I would like a status report on preventive education programs for children on the Internet. What is the government doing and what are the next steps, if any? Mr. Bernstein is an excellent resource and I recommend that the committee include him as a witness for the study of Bill C-22.

On the issue of civil liberties, this legislation imposes a new legal obligation on Internet service providers. It requires Internet service providers to function as agents of the state in police investigations. If they do not perform this function, they can be prosecuted.

Imposing this legal obligation on the Internet service providers will better able investigators to expose online child pornographers. However, we need to have confidence that this legislation does not in any way undermine the rights or freedoms of anyone impacted by it. A balance must be reached. I am confident that the committee studying this bill will include a conscientious assessment of its impact on legal and civil liberties.

In closing, as I said at the outset, I am pleased with the purpose of Bill C-22. As a signatory to the United Nations Convention on the Rights of the Child, Canada has agreed to ensure the safety and dignity of children throughout the world. I believe this legislation has the potential to enhance our ability to live up to this obligation.

Today, I have identified what I consider the most significant issues related to this bill, and I look forward to observing and providing comments as the committee sets out to examine and, where necessary, resolve these and other issues, so that at third reading we will all be satisfied.

The Hon. the Speaker: Are honourable senators ready for the question?

Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Runciman, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[Translation]

CANADA PENSION PLAN

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Callbeck, seconded by the Honourable Senator Poy, for the second reading of Bill S-223, An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I see that this is the 13th day of debate on this bill. Since I do not want this item to die on the Order Paper, I ask that the debate be adjourned in my name for the remainder of my time.

(On motion of Senator Comeau, debate adjourned.)

[English]

NATIONAL HUNTING, TRAPPING AND FISHING HERITAGE DAY BILL

SECOND READING

Hon. Gerry St. Germain moved second reading of Bill C-465, An Act respecting a National Hunting, Trapping and Fishing Heritage Day.

He said: Honourable senators, I am pleased to rise and speak in support of Bill C-465. This bill received all-party support in the other place and seeks to establish a national hunting, trapping and fishing heritage day to be celebrated each year in Canada.

I want to clarify that the intent of this legislation is not to create a holiday, but merely a day of recognition.

I am proud to sponsor this bill. Before I continue, I wish to commend the work of my colleague, the author of this bill, Rick Norlock, Member of Parliament for Northumberland-Quinte West.

In the early days of this country, people made their living off the land. Hunting, trapping and fishing were the mainstays of the early Canadian economy, and their impact helped to establish this country as the nation we know and enjoy today.

Established in Canada by the Europeans, the fur trade dates back more than 400 years and predates Samuel de Champlain's post at what is now Quebec City. The fur trade marked many firsts. It was the backbone of our first economy; it was the major commodity of our first trades with our neighbour, the United States; and it helped to establish the border with our friends to the South. It was also the main point of interaction between the Europeans and our country's First Peoples.

The Europeans may have carved the first economy out of the riches of the land, but it was the Aboriginal people who lived off the land, and did so for many centuries prior to European contact. For the Aboriginal peoples, the land is paramount to their cultural identity. Sourced from the land are the main elements of life: food, water and shelter.

It is because of this relationship that the Aboriginal peoples established themselves as the original conservationists. Their respect for the land is founded on their cultural practices and is part of their way of life. Their philosophy is simple but meaningful: if they take from the land, by fishing, hunting, trapping or some other means, they must, in some way, give back.

Honourable senators, I think we would all be better off, as citizens, to adopt this outlook. The bill before us will act as a useful tool in promoting this important and long-standing part of our heritage.

I believe that Canada must remind its citizens of who they are, and where they came from, so that our history and cultural identity is not lost on future generations. The creation of a day

respecting these traditional Canadian outdoor activities will be welcomed by folks like me and many others — in this place as well — who still take part in them.

There exists hundreds of thousands of Canadians in each of our ten provinces and three territories who avidly hunt, trap and fish, and they are proud of the fact that they do. Most of these people, like the Aboriginal people, take pride in the land and give back what they take. They never take more than they should to continue the propagation of the species.

• (1500)

Some of these people are members of conservation groups such as Ducks Unlimited or the B.C. Wildlife Federation in my home province of British Columbia, which boasts over 38,000 active members.

Honourable senators, I must dwell for a moment on one particular member of the B.C. Wildlife Federation. A long-time friend of the B.C. wilderness, and a personal friend of mine for many decades, the late Bill Otway, was a tireless fighter for sound outdoor management practices. He also served as executive director of the B.C. Wildlife Federation.

Bill dedicated his life to ensure that all Canadians could enjoy a good day out in the wilderness. I know he would be proud to hear that a day dedicated to honouring the causes he championed is nearly a reality. Many others like him will be pleased to see this bill passed.

Honourable senators, there are still many Canadians today who rely on the land to meet their needs. Most of Canada's farmers are also hunters. Some hunt to protect their lands and crops from predators; others hunt to feed their families. Across the ranchlands of Alberta and in B.C.'s Cariboo Chilcotin region, hunting and trapping come hand in glove with the territory.

This way of life has been passed down by the early pioneer ranchers of western Canada, who relied on the proceeds of hunting and trapping to see them through the winter months when livestock sales were sparse or there were none.

Today, this way of life continues, albeit in a smaller capacity. On the coasts of this country and throughout Canada's vast system of lakes and rivers, there exists a vibrant fishery.

Most of us here in this chamber can likely say that we have cast a hook at least once in our life and taken part in recreational fishing. Many Canadians look forward to this opportunity every summer, and some fish year round as commercial fishermen. Commercial fishing on all three coasts contributes millions of dollars to the Canadian economy. This industry is perhaps the largest economic contributor of the three industries recognized by this bill.

On the B.C. coast, of which I am most familiar, commercial fishing employs thousands of people, and is represented by a fleet of hundreds of fishing vessels. Halibut, rockfish, hake, herring and salmon are the main fisheries, with shellfish playing a supporting role. Last year, B.C.'s famous sockeye salmon fishery posted one of its best runs of the last century.

Honourable senators, when an opportunity came up to speak to this bill, I decided to speak to it for many reasons. One of them is because I have a personal connection to what this bill seeks to recognize. My father was a Metis trapper in Manitoba. As a young child, I developed an early appreciation for the land as it helped to feed our family.

My father, every spring, went out trapping muskrats and beaver, and in the winter he trapped wild mink. When he trapped muskrats, the Metis people from the community, who were basically destitute and extremely poor, would line up for the meat from the skinning of these animals that my father trapped.

Hunting was a mainstay of our survival. A story used to go around that if you could not clear a six-foot fence by spring from eating deer meat, there was something wrong with your hunting habits.

I recall vividly one day when I was about nine years old and I was with my father. We were along the Assiniboine River. He was after a beaver. The beaver somehow broke loose in the trap so he shot it. The beaver dove into the water, and it was icy water in the spring, with my father right after it. I was shocked. I did not know what to do. He disappeared, and he came up with a beaver in his hand.

I said, "What in God's name are you doing, dad?"

He said, "Well, if he had gone down there, he would have secured himself to the bottom and we never would have got him. The last thing you ever want to do is shoot something, fish something, and not use it, if it is at all possible."

It is easy for me to stand here and talk, honourable senators. This bill seeks to recognize three important traditional activities that were part of my life; that helped to shape the fabric of our country. The activities continue to take place today in not one but all the regions of Canada.

I believe the bill, if passed, creating a day in recognition of hunting, trapping and fishing, will not only seek to preserve the historical significance of these industries to our country, but will also be used to promote further conservation efforts to protect our vast Canadian wilderness for generations to come. The bill will give a better understanding to many young people that, instead of sitting in front of computers, there is more to this world and its outdoor experiences.

I encourage all honourable senators to lend their support to this bill. It will cost you nothing, as far as resources are concerned, but will help keep our country's history at the forefront.

I thank you. I hope we have your support to go forward.

(On motion of Senator Watt, debate adjourned.)

BOARD OF DIRECTORS GENDER PARITY BILL

EIGHTH REPORT OF BANKING, TRADE AND
COMMERCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-206, An Act to establish gender parity on the

board of directors of certain corporations, financial institutions and parent Crown corporations, with a recommendation), presented in the Senate on February 3, 2011.

Hon. Michael A. Meighen moved the adoption of the report.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

[Translation]

Hon. Céline Hervieux-Payette: I move the adjournment of the debate.

[English]

Hon. Lowell Murray: Honourable senators, I thought perhaps the chair of the committee would speak at this point to argue in favour of his report. If not, I, of course, will defer to the Honourable Senator Hervieux-Payette, who is not only the sponsor of the bill but apparently is the chief opposition spokesperson on the matter.

I want to make some remarks on this report. With Senator Hervieux-Payette's permission and if the house agrees, I can make them now or I can wait until a later date.

The Hon. the Speaker *pro tempore*: Senator Hervieux-Payette, you started to make a motion to adjourn. Do you object to having Senator Murray speak now?

Senator Hervieux-Payette: I agree, and then I will take the adjournment.

Senator Murray: Thank you, honourable senators. I do not intend to address the substance of the bill. I may say, in passing and for the record, that I am not inclined to support the bill for some of the same reasons outlined in the report that is before us, and for some of the reasons put forward by Senator Massicotte in a rather more nuanced intervention at the committee on December 1.

My concern in rising is with the process that was followed in the committee to produce the result that is now before us. My contention is that the committee manipulated several rules of the Senate in such a way as to create a danger that the integrity of the legislative process is being compromised. I say that particularly with an eye to the precedents that are being set, and have been set, and may be carried into the future.

The committee report, as honourable senators know, recommends that the bill not be proceeded with further in the Senate. This procedure is provided for in our *Rules of the Senate*, specifically rule 100, which reads:

When a committee to which a bill has been referred considers that a bill should not be proceeded with further in the Senate, it shall so report to the Senate, stating its reasons. If the motion for the adoption of the report is carried, the bill shall not reappear on the *Order Paper*.

• (1510)

I take that to mean not to reappear on the *Order Paper* during that session of Parliament.

This procedure of a committee recommending that a bill not be proceeded with further is resorted to infrequently in the Senate. Indeed, as His Honour pointed out in a ruling last December 1 in a similar if not identical case, that of Bill S-216, as he put it, "There are relatively few instances in which Senate committees have used this process. . . ." His Honour said at the time, "Research had identified eight cases since 1975 . . ." Bill S-216 in December was number nine, and this report, if it is adopted, will be number 10. That would make 10 cases in over 35 years, two of which will have recently appeared within a two-month time frame. What that may portend for the future I do not know, but I think it should give us pause lest this procedure be more frequently resorted to by a majority in a committee or in the Senate chamber.

Honourable senators, the background to this recommendation in this report is a motion moved by Senator Frum in the Banking Committee on February 3, to be found at page 27 of the unrevised transcript. Senator Frum moves:

. . . that we not proceed to clause by clause but move in camera to consider a draft report.

Honourable senators, I said that the committee was manipulating rules. Right there are two rules that are being manipulated. I do not want to put a pejorative cast on the word "manipulated." What has been done is within the *Rules of the Senate of Canada*, unfortunately. My suggestion will be that our Standing Committee on Rules, Procedures and the Rights of Parliament ought to revisit some of these rules with a view to clarifying and perhaps tightening them up. I could not have risen on a point of order because I do not have one.

In any case, Senator Frum moved that the committee not proceed to clause-by-clause consideration of the bill but move in camera to consider a draft report.

The first rule that is being manipulated is rule 96(7.1), which states:

Except with leave of its members present —

— that is to say, except with unanimous consent —

— a committee cannot dispense with clause-by-clause consideration of a bill.

Senator Frum did not move to dispense with clause by clause; she moved that we not proceed with clause by clause but rather go in camera.

Honourable senators, the intent of rule 96(7.1) is clear, that it should take unanimous consent for a committee to dispense with clause by clause. The difference between dispensing with clause by clause, which would take unanimous consent, and not proceeding with clause by clause, which can apparently be done by a majority vote, is the finest of fine lines. What Senator Frum's motion accomplished, as did a previous motion in the case of Bill S-216, was to circumvent rule 96(7.1).

I cannot hear the interjection of the Honourable Senator Segal from his seat. Perhaps Senator Segal would like to adjust the volume or I could put on my earphone, perhaps, to hear what he has to say.

Senator Segal: Honourable senators, I said that there are two good angels dancing on the same pin, very much to Senator Frum's credit.

Some Hon. Senators: Order.

Senator Murray: Yes, I have studied the question of angels dancing on pins, and Senator Segal is quite correct. They have circumvented this rule.

Honourable senators, let me pause for a moment to say something about the committee stage of a bill. The essence of the committee stage is not, as some would suppose, to hear witnesses. Hearing witnesses is extremely useful but a relatively recent addition. The essence of the committee stage is to study a bill that has already received second reading clause by clause, so that honourable senators who wish to amend or change a clause have an opportunity to do so *seriatim*.

Our old friend and former colleague, Senator John Stewart, who was an expert on these matters, used to say that what is sent to a committee after second reading is really a shell. A principle has been agreed to, and there is a shell there. The question that the committee chair puts — namely, "Shall clause 2 carry" or whatever — should really be, "Shall clause 2 form part of the bill." The committee builds the bill in committee, and the committee has an opportunity to make whatever changes it desires. That is the essence of the committee stage, and I think we toy with it and try to manipulate it at some peril.

I quite agree — whether or not I agree with His Honour is irrelevant. His Honour in his ruling stated that it would be "inconsistent" and "contradictory," to go to clause by clause when a previous motion has been made not to proceed further with the bill. Here we come across two problems. First, the motion not to proceed with clause by clause precludes an honourable senator from proposing an amendment to a clause at committee stage.

Senator Massicotte, when he spoke in the public session that took place after the in camera session, expressed a number of reservations about the bill and then went on to say that if they had gotten to clause by clause, he would have moved an amendment. I quote from page 37 of the unrevised transcript:

If we would have gotten to clause by clause of the bill, I would have made the amendment that 50 per cent is too severe.

Then he went on to develop his argument. A bit later Senator Massicotte says:

The other thing I would have done is given them more time. I would probably have added 60 years.

Senator Massicotte went on to develop that argument. The point is that he was precluded from making those motions and amendments in clause by clause because the rule about dispensing clause by clause was circumvented by a majority vote. That is something we have to reflect on.

Honourable senators, the second rule that is being manipulated is the in camera rule. It is very clear the general rule is that all committees must meet in public. However, a committee may decide to hold an in camera meeting to discuss its business only when the agenda deals with any of the following, such as contract negotiations, other personnel matters and so forth. Then there is rule 92(2)(f) of the *Rules of the Senate of Canada*, which includes:

(f) consideration of any draft report of the committee.

• (1520)

I think we all know what that means in general. A “draft report” refers to the kind of lengthy narrative that is prepared by officials and placed before senators when we are discussing a policy matter or commenting on government estimates and so forth.

In this case, the committee went in camera, supposedly to draft a report, but what they did in camera was kill the bill. I recognize that after the committee came back into public session there was a pro forma motion made to accept the report, but what happened in camera? Did the honourable senator who made the motion put forward his or her reasons? Did another honourable senator debate it? What arguments were deployed? No one knows the answers to these questions because the meeting was held in camera and no transcript of the proceedings was kept.

Honourable senators, even allowing for the fact that they managed to circumvent the rule on clause-by-clause consideration, at a minimum I think what should have happened is that a motion should have been made in public that the bill not be proceeded with further, that it should have been debated and that it should have been voted on. At that point, officials could have been instructed to prepare a draft, or if an honourable senator just happened to have one in his or her vest pocket, they could have gone in camera to discuss it at that point.

I hope honourable senators get the message I am sending, which is that a vital part of the legislative process was conducted behind closed doors.

I will not take any more of your time except to say that I think the remedy for all of this is that our Committee on Rules, Procedures and the Rights of Parliament ought to review these rules and practices and try to tighten the rule with regard to clause-by-clause study. I believe this rule should be tightened so that it cannot be circumvented and it cannot be used to preclude any honourable senator from moving an amendment to a clause of the bill in the committee stage of the bill. Second, the committee should also tighten the in camera rule in such a way that no part of the legislative process is conducted in secret; and third, clarify our rules and practices with regard to keeping transcripts of in camera meetings. I think there is nothing much in the *Rules of the Senate of Canada* about it, if anything, but the practice tends to vary from one committee to the next, and I think the same is true in the other place. However, I think we should give serious consideration to the conditions and circumstances under which it would be permissible not to keep a transcript.

The Hon. the Speaker pro tempore: I regret to advise Senator Murray that his 15 minutes have expired.

Would you like to ask for more time?

Senator Murray: I can say what I have to say in less than 30 seconds.

Senator Comeau: Five minutes.

Senator Tardif: Five minutes.

Senator Murray: Do I have to fill five minutes?

The Hon. the Speaker pro tempore: There may be questions as well.

Senator Murray: We ought to define more carefully the circumstances under which it is permissible not to keep a transcript of an in camera meeting. Under other conditions, transcripts should be kept, if only for the information of all honourable senators.

Hon. Hugh Segal: Would Senator Murray take a question?

Senator Murray: Yes.

Senator Segal: Deferring as I do to Senator Murray’s profound understanding of the *Rules of the Senate of Canada*, for which the dean of this place deserves respect in every context, and without commenting on the salience of the legislation itself, would Senator Murray be of the view that in his judgment Senator Frum’s motion was in fact consistent with the Rules as they now exist, which, to be fair, I think I heard him say? Second, while the recommendations that Senator Murray has made for changes to the *Rules of the Senate of Canada* should, I think, embrace a broad swath of senators who would be supportive, certainly in principle, as I would be, is the senator of the view that a committee should not have the right to kill a piece of legislation when the majority on that committee believes that it is in the public interest to do so?

Senator Murray: To answer the second part of the question first, of course it would be possible for a committee to recommend killing the bill if the majority of the committee members want to kill the bill. My objection to what was done in the present case is twofold; first, that essentially it was done in secret; and second, that it was done in a way that precluded an honourable senator from attempting to move amendments to several clauses of the bill, which Senator Massicotte said he wanted to do.

As to the first part of the question, yes, if I thought that anything that was done there, by my reading of the transcript, was contrary to the *Rules of the Senate of Canada*, I would be standing on a point of order. It is fairly clear to me, based on the way the Rules were manipulated, as I say, and based on His Honour’s decision of early December, that what was done was unfortunately within the *Rules of the Senate of Canada*.

Senator Meighen: Would Senator Murray accept another question?

Senator Murray: Yes.

Senator Meighen: Without getting into the question of whether the vote, which happened to be seven-to-five, was conducted in public or not, is it Senator Murray's position that in no case should clause-by-clause consideration be obviated by rule 100? Rule 100 seems to me to be very clear. In my reading, I see nowhere that there must be clause-by-clause study before rule 100 can be invoked.

Is it the honourable senator's position that it would be preferable to have clause-by-clause consideration and then, if the committee so decides, to proceed under rule 100?

Senator Murray: Honourable senators, I would like to hear what the Standing Committee on Rules, Procedures and the Rights of Parliament has to say about that after mature reflection. A fair statement of my position is that the essence of committee stage is clause-by-clause study, and so long as any honourable senator wishes to move an amendment to a clause of the bill, clause-by-clause consideration should not be dispensed with or not proceeded with except with unanimous consent. That is my somewhat offhand but general opinion on the matter, subject to what the committee may think at a later stage. I am willing to be convinced of a different formula, if there is one.

Senator Meighen: To follow on Senator Segal's question, if the committee felt that the bill was not in the public interest, the honourable senator's preference seems to be, nevertheless, to go through clause-by-clause consideration and defeat each clause, or to defeat each proposed amendment to each clause, after which you are left with nothing, and then proceed under rule 100 to defeat nothing.

Senator Murray: I am terribly sorry if my honourable friend finds this ancient parliamentary practice onerous, as chairman of the committee, but the short answer to his question is yes. It may well be that the question he raises of whether a bill is in the public interest or not is better clarified after a clause-by-clause examination. I come back to my original point. The essence of the committee stage is clause-by-clause consideration of a bill.

(On motion of Senator Hervieux-Payette, debate adjourned.)

• (1530)

CONFLICT OF INTEREST FOR SENATORS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Conflict of Interest for Senators (*budget—mandate pursuant to rule 86(1)(t)—power to hire staff*), presented in the Senate on December 9, 2010.

Hon. Terry Stratton moved the adoption of the report.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Translation]

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE THE COMMISSIONER OF OFFICIAL LANGUAGES AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN ONE HOUR AFTER IT BEGINS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Hubley:

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive the Commissioner of Official Languages; and

That the Committee of the Whole report to the Senate no later than one hour after it begins.

Hon. Maria Chaput: Honourable senators, I rise today in support of Senator Tardif's motion. I believe that, in the current circumstances, it is absolutely necessary for the Commissioner of Official Languages to appear. To be fair and as a sign of respect, we must give the commissioner the opportunity to respond, here in this chamber, to the criticisms that have been made.

As an officer of the Parliament of Canada, the Commissioner of Official Languages has a very important role to "ensure respect for English and French as the official languages of Canada and ensure equality of status and equal rights and privileges as to their use in all federal institutions."

According to section 56 of the Official Languages Act:

It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society.

That is the commissioner's duty.

It was suggested that Bill C-232 "has nothing whatsoever to do with the Official Languages Act," and that the commissioner had gone outside his mandate by supporting this legislative initiative, which would ensure that all judges appointed to the Supreme Court of Canada understand both official languages, without exception.

But a seasoned expert on the matter told me, and I quote:

The Commissioner of Official Languages must promote the rights of the defendant and equal access to the services of the Supreme Court. He should intervene to force the government to not make exceptions to the equal status of languages with respect to their use in an institution as fundamental as the Supreme Court.

It has been said that Bill C-232 “clearly goes against the principles of the Official Languages Act and the constitutionally protected rights of Canadians.”

I would suggest that Bill C-232 is an affirmation of the principle of the substantive equality of the two official languages, pursuant to the Official Languages Act and the constitutional rights of Canadians.

A prominent legal scholar recently explained to me that:

Institutional bilingualism . . . means that the entire judicial or government machinery must be able to meet the demand for service delivery equally in both official languages across the entire organization; that Parliament clearly can require that judges speak both official languages as a condition of their appointment and can force them to use both languages; and that this is done in other multilingual countries and does not violate any Canadian laws.

It has also been suggested that “the commissioner [should have to] publicly justify” his decision to support Bill C-232. I think that is an excellent idea and I completely agree. There would be nothing unusual about it.

As a result of a motion by the Honourable Senator Comeau, the Senate did resolve into a Committee of the Whole on October 4, 2006, in order to receive Graham Fraser regarding his appointment as Commissioner of Official Languages. On that occasion, Mr. Fraser graciously answered our questions and gave his point of view on several topics related to official languages. He said, and I quote:

As you know, the commissioner has six roles or functions in the enforcement of the Official Languages Act — a promotion and education role, a monitoring role in terms of the impact of government initiatives, a liaison role with minority communities, an ombudsman role in dealing with complaints, an auditing function in terms of the public service and a judicial intervention function.

Some have alleged that the commissioner has exceeded his mandate, as set out by law. I think it is time we heard from the Commissioner of Official Languages, so he may respond to the criticisms that have been levelled against him and so he may explain his expertise regarding this issue.

It is clear that some confirmation is needed and therefore it would be only logical for the Senate to resolve itself into a Committee of the Whole in order to welcome Mr. Fraser again, so he may respond to the questions that have come up recently in the Senate.

I thank Senator Tardif for having moved this motion and I encourage all honourable senators to support it so that the Senate may resolve itself into a Committee of the Whole in order to receive Mr. Fraser again.

Hon. Hugh Segal: Would the honourable senator take a question?

Senator Chaput: Yes.

Senator Segal: Accepting in good faith the legislative comments made earlier and the procedural comments made by our colleague, Senator Tardif, and expressing my general support for anything that constitutes progress in terms of bilingualism and to assure our French-speaking colleagues and constituents that the Government of Canada, the federal government respects their rights, I want to ask a question about the mechanism proposed by Senator Tardif.

I want to talk about the mechanism of inviting an officer of Parliament to the Senate chamber, to a Committee of the Whole; not a committee considering legislation, but the Senate in Committee of the Whole, to discuss and answer basic questions before the Senate has approved in principle the bill before us.

If the bill is referred to a committee, I imagine the first witness invited to that committee would be the Commissioner of Official Languages. He will be very seriously involved in the detailed discussion of the content of the bill. And that is good for those of us who will be present. I have great fondness for the Commissioner of Official Languages. He is a friend and very competent. Nonetheless, I take issue with the principle that an officer of Parliament, whether the Auditor General or the Commissioner of Official Languages, can be called before a Committee of the Whole before a bill is even approved at second reading stage.

Does it not bother my colleague, from a procedural standpoint, to have an officer of Parliament, appointed by us and the other place, by the government and by the Privy Council, intervene before we have made our decision, as a chamber, and before anyone from either side wanting to speak to the matter has a chance to do so?

• (1540)

Senator Chaput: Honourable senators, I hope I have properly understood the spirit of the intervention as well as the nature of the question asked.

I humbly believe that the Commissioner of Official languages, who would be invited to speak to the Senate sitting in Committee of the Whole, would appear in his capacity as an officer of Parliament to explain, by answering senators' questions, his understanding of his mandate and his responsibilities as they pertain to the Official Languages Act.

I understand that the criticism concerning the commissioner's position is based on the fact that the bill is still before the Senate and has not yet been sent to committee. However, I was expecting that the commissioner's presence, in his official capacity, would

allow us to determine, on the basis of what he would say, whether he has the right to make the comments he has made and the right to take a position on a bill.

It is true that I do not have Senator Segal's experience, and I certainly do not have his knowledge of the judicial process, but that is what I was considering.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Chaput indicated, in her reply to Senator Segal, that the invitation extended to the Commissioner of Official Languages is related to the Official Languages Act.

I agree completely with Senator Chaput that the commissioner can comment on matters pertaining to the Official Languages Act, as that is part of his mandate.

The commissioner himself has said in the past that Commissioners of Official Languages have made statements on bills that affect the Official Languages Act. For example, his predecessor, Ms. Adam, made a statement and comments on Bill S-3, which was sponsored at the time by Senator Jean-Robert Gauthier.

Senator Chaput spoke of a bill directly related to the Official Languages Act. We could expect the Commissioner of Official Languages to comment on the bill, and I believe that it would fall under his mandate as he presently views it.

In any case, Bill C-232 is not a bill that pertains to the Official Languages Act, and that act is not mentioned anywhere in the bill.

The bill simply states that Supreme Court judges must be able to understand and hear cases without the help of an interpreter. It has nothing to do with the Official Languages Act. This bill does not offer any protection to people who will be subject to the new act if it becomes law; it does not offer any protection to judges who will be appointed; and it does not even mention how the linguistic qualifications of these judges will be assessed.

I would like Senator Chaput to tell us where she sees a distinction because for me it is simple: either it has to do with the Official Languages Act or it has nothing to do with it.

Bill C-232 has nothing to do with the Official Languages Act.

Would Senator Chaput care to comment?

Senator Chaput: Honourable senators, as I mentioned in my speech, I consider Bill C-232 to be a demonstration of the principle of the true equality of official languages. Perhaps, as you understand it, the bill is not directly related to the Official Languages Act; however, it stems from the Official Languages Act and from our constitutional rights.

I am not an expert on the Constitution or legislation. I am telling you how I see this bill and I am sharing the comments that were made to me in response to questions I asked during some of the consultations I held.

I see a link between the Official Languages Act and Bill C-232. In my opinion, the crux of the matter is whether the Commissioner of Official Languages exceeded the rights and responsibilities of his mandate by taking a stand on this bill. It then becomes an issue of what the commissioner's mandate is and how he sees that mandate, which is surely not the same way the Honourable Senator Comeau sees it. This is the principle that encouraged me to support Senator Tardif's motion.

It seems to me that it would be completely fair and equitable to be able to hear the commissioner, in this chamber, so that he can explain how he sees his mandate and what led him to openly support a bill that — I do understand — is still before the Senate and has not yet been sent to committee.

I have less experience than Senator Comeau, but that is my opinion.

Senator Comeau: Honourable senators, either Bill C-232 concerns the Official Languages Act or it does not. If it concerns the Official Languages Act, let the Commissioner of Official Languages say so publicly. He is surrounded by plenty of staff and has access to incredible resources. He need only tell me I am wrong and why. If this is part of his mandate, let him prove it to me. It is very simple.

However, I believe that Senator Segal was right in raising a concern that has come about in the Senate, namely, that this is an invitation to the Commissioner of Official Languages to come speak and explain his support for a bill that Parliament has not yet passed at second reading.

This type of witness is usually invited to committee. I have no problem with having the Commissioner of Official Languages come and speak about his mandate. That does not worry me at all.

It would worry me if he came to speak with us at this stage, when we are at second reading of a bill that does not even mention the Official Languages Act, to explain why he supports the bill. I believe that we need to proceed very cautiously on this issue.

If officers of Parliament start to intervene at second reading of legislation in the Senate, then where do the parliamentarians fit in?

In the future, will we invite other officers of Parliament to come and get involved in debates, for any kind of bill, even if it has nothing to do with their mandate? Second reading of legislation is part of the role of parliamentarians.

The Commissioner of Official Languages has full access to the media and communications. I know that there are people who do not like what I am saying, but I will say it just the same.

(On motion of Senator Comeau, debate adjourned.)

• (1550)

RACISM IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Oliver calling the attention of the Senate to the state of Pluralism, Diversity and Racism in Canada and, in particular, to how we can develop new tools to meet the challenges of the 21st century to fight hatred and racism; to reduce the number of hate crimes; and to increase Canadians' tolerance in matters of race and religion.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, this inquiry was adjourned in Senator Andreychuk's name. I suggest that it again be adjourned in her name once I have finished my speech.

Honourable senators, I rise today to continue the excellent inquiry by Senator Donald Oliver, who called the attention of the Senate, on October 19, 2010, to diversity, pluralism and racism in Canada. I am enthusiastic about participating in this debate. We must have an open dialogue on these issues so that we can develop ways to fight hatred and racism, reduce the number of hate crimes and increase tolerance and respect in Canada.

[English]

I thank my honourable colleague for bringing awareness to this topic of great concern. As Canadians, we need to address the issue surrounding racial, cultural and ethnic diversity comprising our country. We need to instil positive values in our youth — those of understanding, accepting and appreciating those differences that form the fabric of Canadian life.

[Translation]

I would like to begin by sharing a few statistics about Canada's demographic reality. Each year, Canada welcomes approximately 250,000 new permanent residents from around the world. The 2006 census revealed that people from more than 200 ethnic origins make Canada their home, with visible minorities accounting for 16.2 percent of the total population, which is up from 11.2 percent in 1996.

A report published by Statistics Canada predicts that by 2031, about one-third of Canada's population will be from a visible minority and about one in four Canadians will be foreign-born. Simply put, the size of the visible minority population will double in Canada in the decades to come. These changing demographics demonstrate a significant, recent growth in the country's ethnic and religious diversity. It goes without saying that Canada's population is varied, diverse and constantly changing.

[English]

As the demographic realities of Canada are changing, so are those of my native province of Alberta. It is estimated that by 2031, visible minorities will account for 38 per cent of Calgary's population, more than the anticipated national average, and for 29 per cent of Edmonton's population.

Immigrant and cultural diversity play a key role in the vitality of the province of Alberta. This diversity also contributes significantly to the growing strength and diversity of the province's francophone communities.

[Translation]

Indeed, only 3 out of 10 Franco-Albertans were born in Alberta and nearly 15 percent of the French-speaking population in Alberta came there as immigrants. Saskatchewan, Alberta and Manitoba welcome many immigrants of African origin, representing 25.3 percent, 26.9 percent and 27.8 percent of all French-speaking newcomers in those three provinces. In addition, nearly 2,700 Franco-Albertans belong to one of the First Nations.

Let me remind honourable senators that Canada has had a Multiculturalism Act in place since 1988. The goal of this legislation, which includes the Multiculturalism Policy of Canada and provides a legal policy framework to guide federal responsibilities and activities with regard to the advancement of multiculturalism in Canada, is to preserve and enhance multiculturalism in Canada, to assist in the preservation of culture and language, to reduce discrimination, to enhance cultural awareness and understanding, and to promote culturally sensitive institutional change.

Most Canadian provinces also have multiculturalism policies that invite all Canadians to accept cultural diversity and encourage everyone to be full members of Canadian society. Quebec prefers a policy of interculturalism between groups of different cultures. Interculturalism is the preferred means of raising awareness of cultural diversity. It is based on the assumption that the host society will actively participate in the integration of new arrivals and that there is mutual knowledge and understanding of cultural differences. More specifically, interculturalism suggests that the dominant culture of the host country or region will be adopted, and that commonalities will be identified while preserving individual differences. The Quebec policy of interculturalism is based on three key elements: French as the common public language, the participation and contribution of all in a democratic setting; and a pluralistic and open society to the extent made possible by democratic values and intercommunity exchanges.

[English]

Some scholars of late maintain that multiculturalism should be struck from our national vocabulary. They maintain that Canada needs to refocus the debate by replacing the term "multiculturalism" with the concept of pluralism, a concept that articulates a sense of citizenship through the idea of responsibility.

This change, according to Rudyard Griffiths, co-founder of the Historica-Dominion Institute, will encourage people to define themselves as individuals and have their rights recognized, all while reinforcing the need to take their civic roles more seriously.

The goal here is to build a successful society around the concept of citizenship so that newcomers become familiar with the symbols and institutions rooted in Canadian history and the fundamental Canadian values of freedom and democracy, as well as the contributions made by groups of people more recently arrived.

[Translation]

No matter what definition is used, the fact remains that the principle of racial and cultural equality has the force of law in Canada, which means that all organizations, departments and Crown corporations have a responsibility to enforce this law by promoting cultural diversity in all Canadian sectors. In addition, there are a number of other legal texts that help fight racism in Canada, including the Human Rights Act, the Canadian Charter of Rights and Freedoms, the Employment Equity Act and a number of provincial policies, just to name a few.

Diversity is also one of our Canadian values. In a survey published in 2003 by the Centre for Research and Information on Canada (CRIC), 54 per cent of those surveyed stated that multiculturalism made them very proud to be Canadian.

[English]

However, despite having formal federal laws in place to promote tolerance and diversity in Canada, as well as having an increasing diversity in our country, incidents of racism and intolerance continue to occur in Canada.

A recent 2011 survey conducted by the Association for Canadian Studies and the Canadian Race Relations Foundation found that 46 per cent of respondents agree that racism is on the rise in Canada; 45 per cent of respondents disagreed with this statement. The survey also found that 38 per cent of the respondents had witnessed an act of racism within the last year.

This survey demonstrates that Canadians have contrasting views when it comes to experiences with racism in Canada, and that many are not aware of its significance or occurrence. It takes little more than to open a newspaper or turn on a television to notice that discrimination happens on many levels.

• (1600)

I was disheartened to read an internal report this summer about the alarming and systemic rates of racial profiling within the Montreal Police Service. The report, done by criminologists who had been with the Montreal Police Service since 2006, stated that Black youth in the northern part of Montreal were stopped by police approximately 40 per cent of the time, as compared to 5 or 6 per cent for White youth. The report also showed that random stops of Black citizens more than doubled between 2001 and 2007, and that Black citizens were more likely than their White counterparts to be stopped for vague and unjustified reasons.

[Translation]

Another indicator of the racial discrimination that persists in Canada is the level of integration of visible minorities, measured through labour market participation, education, income, housing, political and civic involvement and health. According to a report by Human Resources and Skills Development Canada, visible minorities and Aboriginals are seriously disadvantaged in Canada's labour market, with large gaps between labour market prospects for visible minority and non-visible minority populations. The employment rate is lower and unemployment rate is higher for visible minorities than for non-visible

minorities. The demands for labour market flexibility have disproportionately exposed "racialized" groups to contract, temporary, part-time, and shift work with poor job security and low wages and benefits. The rate of university degree attainment among Aboriginals is significantly lower than that of non-Aboriginals. The average employment income of Canadian visible minorities is approximately 86 per cent of the general population's. Newcomers to Canada and visible minorities are significantly over-represented in high poverty neighbourhoods.

[English]

A recent finding by the Conference Board of Canada also suggests that Canada's failure to properly use the skills of immigrants costs this country \$5 billion a year in lost productivity. This is but one example of how discrimination negatively affects the country's economy.

[Translation]

These alarming data reveal the deeply rooted discrimination in our institutions, our systems and our culture. Senator Oliver listed a number of indicators of discrimination and racism in Canada, and in his wise words, "equality is still not a reality."

[English]

Yet there is hope, honourable senators. I truly believe that education is the key to cultivating tolerance and understanding, embracing cultural diversity and bringing awareness to prejudice and discrimination. According to UNESCO, building tolerance requires access to education. Intolerance is often rooted in ignorance and fear: fear of the unknown of "the other" — other cultures, other religions and other nations.

I would like to speak about the pedagogical efforts and initiatives of several organizations in my home province of Alberta, namely those of the Tolerance Caravan of Alberta and of the John Humphrey Centre for Peace and Human Rights.

[Translation]

In 1995, the first Tolerance Caravan visited five schools in Montreal and the Laurentians after the Comité Rapprochement Québec launched an awareness program in high schools about prejudice, discrimination and genocide. The Tolerance Foundation, a non-profit organization, was founded to direct the Caravan, which was a great success with youth. That organization was founded by one of our former colleagues, Senator Goldstein.

Since then, the Tolerance Foundation has been actively working to encourage high school youth to be open to difference by developing teaching tools and offering activities, workshops and initiatives to fight against racism and discrimination.

[English]

The Tolerance Caravan of Alberta, inspired by the Montreal-based caravan that travels throughout Quebec, has been organizing activities in numerous francophone and French-immersion schools in my home province since 2006. The Tolerance Caravan of Alberta is one of Alliance jeunesse-famille de l'Alberta Society's

signature initiatives, an Alberta-based not-for-profit organization whose mission is to prevent crime among French-speaking immigrant youth and families and to facilitate their integration into Alberta's social and professional life. It plays a key role in teaching Albertan youth about the effects of racism, discrimination and prejudice by promoting intercultural exchanges and interactive discussions.

[Translation]

May I have an additional five minutes, please?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Yes.

Senator Tardif: Alberta's Caravan of Tolerance primarily aims to reinforce and encourage partnerships between schools, youth, the police, media and the community. The Caravan's workshops are targeted at 9 to 17 year-olds and are based on exchange, dialogue and meetings.

Similarly, the John Humphrey Centre for Peace and Human Rights is a non-profit organization in Edmonton that envisions a world that manifests a culture of peace and human rights in which the dignity of every person is respected, valued and celebrated. Its mission is to advance a culture of peace and human rights through educational programs and activities, community collaboration and relationship building guided by the principles of the Universal Declaration of Human Rights.

[English]

The Edmonton-based centre is named after John Peters Humphrey, a Canadian and principal drafter of the Universal Declaration of Human Rights. The declaration was born from the ashes of World War II and the Holocaust. It was a global rejection of the notion that what is right is determined by who is in power and it was drafted by men and women of various nations, ideologies and religions.

The declaration was ratified on December 10, 1948. In 1995, in the fiftieth year of the United Nations, Pope John Paul II would hail it as one of the highest expressions of the human conscience in our time.

The beauty of the Universal Declaration of Human Rights is in its commonality: It speaks to all people, regardless of race, religion, geography, gender or social class. It has survived for 58 years as the moral blueprint of the world precisely because it has the uncanny ability to resonate with each of us, despite our differences and diversity, in a manner that seems directly tailored to our individual beliefs and aspirations.

The declaration has had a tremendous influence upon the lives of millions around the globe. No greater example exists than in Canada, which followed the United Nations' path in enshrining and guaranteeing fundamental human rights through the adoption of the Charter of Rights and Freedoms.

As Madam Chief Justice McLachlin has noted, the adoption of the Charter of Rights and Freedoms in 1982 elevated basic human rights, Aboriginal rights and equality to the status of supreme law

against which all government actions, regulations and legislation must be assessed. The Charter stands as Canada's ultimate expression of our commitment to freedom and human dignity.

[Translation]

As I conclude my speech, I am very hopeful. I believe that tolerance, understanding, respect and openness to Canadian diversity are part of a project that is already under way.

[English]

Transforming once-fears into understanding, acceptance, openness and embracement are the goals and initiatives of many organizations across this great country. To quote Nelson Mandela, as I have tried to convey throughout my contribution to Senator Oliver's inquiry, "Education is the most powerful weapon which you can use to change the world."

• (1610)

A recent article in the journal, *The Ismaili*, speaks to the space and freedom that is given in Canada to the negotiation of the plurality of identities:

This uniquely Canadian idea of citizenship tells us that it does not matter where we come from or what the colour of our skin is and that what makes us up, individually and collectively, are our spiritual, moral, ethical, educational and cultural experiences and insight.

A society which emphasizes uniformity, as former Prime Minister Pierre Elliott Trudeau once said, is one which creates intolerance and hate.

Honourable senators, we need to be vigilant and continue our efforts to ensure that in our policies and programs diversity is recognized as a basic cultural value in Canadian society.

(On motion of Senator Andreychuk, debate adjourned.)

IMPACT OF DEMENTIA ON SOCIETY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs, P.C., calling the attention of the Senate to the Impact of Dementia on the Canadian Society.

Hon. Terry M. Mercer: Honourable senators, when Senator Carstairs first introduced this inquiry, I was again hopeful that everyone in this place would listen carefully. Senator Carstairs is known for her dedication on these subjects, and I thank her for the leadership she has provided over many years on the topics of aging, dementia and palliative care.

Dementia is the deterioration of a person's ability to learn and think but is not necessarily confined to one disease. It can take many forms, occur at different times in a person's life, and progress slowly or quickly. While terminal, a person suffering from whatever form of dementia can live for many years after

their diagnosis. This characteristic is a large part of the reason why it is so important to detect signs of dementia early and try to prevent them altogether.

Honourable senators, I do not think there is a person in this chamber who has not been affected by, or does not know someone who has been affected by, dementia. According to the Alzheimer Society of Canada, the estimated number of Canadians living with Alzheimer's disease in 2007 was 300,000. In January 2010, the Alzheimer Society of Canada released a new study entitled: *Rising Tide: The Impact of Dementia on Canadian Society*. It stated that the numbers of Canadians suffering from Alzheimer's disease or related dementias is now 500,000. That number is expected to more than double in little over a generation.

Honourable senators, we have heard these statistics before, but I think they bear repeating. Senator Carstairs and other senators have told us that the Alzheimer Society study reports that by 2038 the economic burden will increase from \$15 billion to \$153 billion. The number of hours that Canadians will provide care to their loved ones will be 756 million hours per year, an increase from 231 million hours. These statistics are astounding. The question is: Are we prepared for it?

As we all know, the health care system in Canada is already burdened by long wait times, an inadequate number of doctors and nurses and not enough short-term and long-term care beds. We also know that improving preventative care now can have significant benefits in the future, even with dementia. Before I elaborate on the Alzheimer Society report, I will give honourable senators examples of how other jurisdictions are tackling this problem.

In February 2009, the United Kingdom released a report: *Living Well With Dementia: A National Dementia Strategy*. The strategy identified 17 key objectives for improving the quality of services provided to people with dementia. According to the report, there were 700,000 people in the UK with dementia at a cost of £17 billion per year. In the next 30 years, the number of people with dementia will double to 1.4 million with the cost rising to over £50 billion per year.

Some of the objectives the UK government identified include improving public and professional awareness and understanding of dementia; early diagnosis and intervention; information for those with dementia and their caregivers; and easy access to care and support following diagnosis.

In May of 2006, the Australian Health Ministers' Conference met to plan their National Framework for Action on Dementia for 2006-2010. In 2006, 200,000 Australians had dementia, and it was predicted that by 2016, dementia will be the major cause of disability for Australians, overtaking cardiovascular disease, cancer and depression. Some estimates suggest that by 2050, nearly 750,000 Australians will have dementia.

To combat this problem, the Australian health ministers identified five key priority areas: care and support; access and equality; information and education; research; and workforce and training. This information all sounds familiar.

Honourable senators, Canada is no different and will face a major crisis if we do not act soon. The aforementioned new study by the Alzheimer Society lays out similar plans for how to deal with dementia in Canada. Of course, we will not be able to help solve the problems associated with dementia if a support system is not in place to do so. Caregivers, such as spouses, children and grandchildren of dementia sufferers, need support. We recommended similar approaches in the report of the Special Senate Committee on Aging chaired by Senator Carstairs.

In my eyes, preventative measures are always the most effective. Just as education can take people on the path out of poverty, so too can preventative medical techniques solve some of our health care problems. More exercise and a healthy diet and lifestyle are always helpful to prevent the onset of many medical problems, including dementia.

This advice sounds like common sense to me but if we do not encourage these things, how can they be helpful? Are we even able to diagnose the early symptoms of dementia?

The following statistics are directly from the report of the Special Senate Committee on Aging, *Canada's Aging Population: Seizing the Opportunity*. The report states:

Although the number of geriatricians almost doubled from 111 to 211 between 1995 and 2007, 147 this was still far short of the 538 that were estimated to be needed in 2006.

Of the 211 geriatricians, however, the Committee heard that many have other responsibilities, reducing the number of active fulltime equivalencies to probably less than 150. Even more alarmingly, the number of internal medicine residents entering geriatric medicine programs has decreased dramatically over the last 10 years.

The problem is becoming worse. The report continues:

The Canadian Geriatric Society reports that in 2007 there were only five trainees in English-speaking programs for the entire country. Likewise, Care of the Elderly family medicine training programs have many vacancies, and there are only 140 physicians with this training in Canada.

Honourable senators, if my math is correct, for 2007 there were 150 geriatric doctors for 300,000 Alzheimer's patients. That ratio is 2000:1. I believe that statistic says it all. Honourable senators, we need more research, more preventive measures and more doctors and nurses. We need a lot of things, but how will we pay for them? Does the government have a plan?

• (1620)

As many senators have already stated, the cost of dementia care will increase from \$15 billion to \$153 billion. This is staggering.

Canadian families also want the option of caring for loved ones who have fallen ill at home. Our rapidly aging population is putting increased pressure on our health care system. Family caregivers are responsible for 80 per cent of Canada's home care services. One can well imagine the stress on these caregivers when dementia is taken into account. The Special Senate Committee on

Aging heard stories firsthand from families who had exhausted their personal time, and even their health and finances, to care for loved ones.

While it appears government has no plan, it seems some people have been listening to these statistics. To help families care for their loved ones, the opposition in the other place, the Liberal Party, has a plan to invest \$1 billion annually in a new family care plan to help reduce the pressures faced by hundreds of thousands of Canadian families. The Liberal plan will introduce a new six-month "Family Care Employment Insurance Benefit" so that more Canadians can care for their ill family members at home. The plan also offers a new family care tax benefit which would help low- and middle-income family caregivers to compensate for the cost of providing care to a family member at home.

Combined with further government support, loved ones with dementia can be taken care of at home by family members, with the help of professionals, for a longer period of time. Not only does this save money in the long term in the health care system, but it also gives dignity to the person with dementia and their families.

As I said, everyone here has a story to tell about a family member, a relative, a neighbour, or someone they know who has suffered from dementia. Honourable senators, my own mother, in the last few months of her life, suffered from the symptoms of dementia. We only discovered later that it was not dementia, but a brain tumour. However, she had the classic symptoms of dementia. I salute my family members who provided the care to her over those last few months. As well, I salute a couple of her grandchildren. On the final Christmas my mother lived, we visited my sister for Christmas. We were going there on Christmas Eve and my son and my nephew drove my mother up to my sister's cottage. At that time, because of her problem, my mother needed

to stop at every washroom along the way. Thank God there are so many Tim Hortons restaurants in Nova Scotia; conveniently, there is one almost at every interchange. Here were these two young men, aged 29 and 30 years old, with this 89-year-old woman in tow, stopping at Tim Hortons establishments along the way, taking her into the men's washroom, taking her into the cubicle and helping her to use the facilities. While I mentioned my son and my nephew, that is the kind of care that is being given by hundreds of thousands of Canadians right across the country every day.

This morning, I made a phone call to another relative of mine who was recently diagnosed with early stages of dementia to find out how he was doing. I was encouraged — and this is a positive story — because he has been put on a regimen of new drugs. Amazingly, it has helped to stabilize his condition and has helped him to come back so that he is able to participate more in his day-to-day life and has been able to maintain his ability to drive, which is important. He lives in an extremely rural part of Nova Scotia. Without his ability to drive, he would probably be institutionalized, which would be disastrous for both him and his family. This has dramatically improved his quality of life.

Honourable senators, there are things we can do to help prevent a catastrophic rise in health care costs associated with dementia. I only hope the government benches have listened to what honourable senators have said regarding this inquiry. Again, I thank Senator Carstairs for leading this discussion and hope that she will continue to do so.

(On motion of Senator Cowan, debate adjourned.)

(The Senate adjourned until Wednesday, February 9, 2011, at 1:30 p.m.)

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Wednesday, February 9, 2011



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, February 9, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

[English]

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DEVELOPMENT WEEK

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to rise today in recognition of International Development Week. Every year during the first week of February, International Development Week provides Canadians with the opportunity to learn more about the good work that so many Canadians are engaged in abroad. These dedicated people have an impact on a wide range of topics: human rights, health care, infrastructure, disaster preparedness, education and economics, to name a few. All in all, the ultimate goal is to build a greater quality of life for people in developing countries.

This week also allows Canadians to discover more about life in developing countries and how they can become involved.

In my home province, the University of Prince Edward Island is participating in its tenth International Development Week. The highlight of the many events will be an on-campus public presentation by our own Senator Dallaire, who will speak to students about the role they can play in the lives of those in developing countries. Community events like the ones at UPEI demonstrate that Canadians care about international development and the well-being of others.

I was disappointed to hear that the Canadian Teachers' Federation has been denied funding for its five-year proposal to provide professional development programs for teachers and curriculum development programs in Africa, Asia and parts of the Caribbean.

For more than 50 years, Canadian teachers have travelled overseas to help improve education in developing countries. Without this funding, the work of thousands of Canadian teachers will end. I urge the federal government to find ways to work with the Canadian Teachers' Federation to ensure that their outstanding tradition of service is not lost due to a lack of funding.

Honourable senators, Canadians involved in international development are to be commended for the difference they are making around the world. We should be proud of the role these Canadians play on the world stage and we should assist them wherever possible to achieve their goals.

[Translation]

GHOSTS OF VIOLENCE

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today to invite all honourable senators to attend the Atlantic Ballet Theatre of Canada's world premiere of *Ghosts of Violence* on February 15 at the National Arts Centre.

Our government is a proud supporter of the performing arts. The creation of this production was supported in part by the Government of Canada, Status of Women Canada, Atlantic Canada Opportunities Agency and the Canadian Council of the Arts.

[Translation]

Ghosts of Violence is an emotionally charged ballet inspired by the stories of women who have lost their lives as a result of family violence.

• (1340)

[English]

This ballet, combining multiple forms of media and performance art, aims to capture the tragedy of the erased memories and aspirations of those often-silent victims.

Ghosts of Violence is the largest initiative undertaken by the Atlantic Ballet Theatre company in their 10-year history.

Launched in 2002 and based in Moncton, New Brunswick, the Atlantic Ballet Theatre of Canada is one of Canada's most ambitious ballet companies. The members of the ballet have been successful ambassadors for both New Brunswick and the Atlantic region and have played national and international shows, touring in the United States, Germany and Italy.

In September 2010, the company had the honour to premier its new ballet, *Fidelio*, in Bonn, Germany, at the prestigious Beethoven Festival, where they were well received and performed to packed audiences.

The Atlantic Ballet Theatre company members are known for using their art to reach out to people. *Ghosts of Violence* aims to raise public awareness about the terrible, heartbreaking epidemic of domestic violence. Statistics show that one to two women are murdered every week in Canada, with young women under the age of 25 four times as likely to be killed.

[Translation]

Family violence is a problem that affects families from every part of our society.

[English]

I am proud of the Atlantic Ballet Theatre of Canada for using this original medium to promote dialogue on this difficult topic. The ballet was conceived and choreographed by the Atlantic Ballet Theatre's artistic director and choreographer, Igor Dobrovolskiy.

Two years ago, the company was overwhelmed and astounded by the reaction of victims to a short piece they did on domestic violence. Women who had never spoken out found a voice and so the full-length ballet was born.

[Translation]

This ballet was inspired by the Silent Witness Project that began in New Brunswick.

[English]

The Silent Witness Project is a travelling exhibit of life-sized red wooden silhouettes, each representing a woman murdered by her partner. There will be 21 silhouettes from several provinces at the NAC.

Honourable senators, this excellent company has worked very hard to bring its performance to you, and I hope you will join me on February 15 and attend this made-in-New Brunswick landmark production.

[Translation]

DIVERSITY IN FACULTIES OF MEDICINE

Hon. Lucie Pépin: Honourable senators, last Monday I received a visit from three McGill University students representing the Canadian Federation of Medical Students. These future physicians are concerned about the lack of socio-economic and geographic diversity in our medical schools. They believe that this situation exacerbates family doctor shortages and physician scarcity in communities that are already underserved.

Medical schools encourage diversity, but still do not attract enough candidates from rural or low-income backgrounds. Some social and financial obstacles have been cited as the cause of this demographic imbalance.

Students from low-income or rural backgrounds are less likely to consider medicine as a viable career option.

They are also put off by the costs associated with studying medicine. Most medical students are from wealthy families. Almost 47 per cent of medical students report family incomes of more than \$100,000. In Canada, only 19.7 per cent of households have this level of income.

The Canadian Federation of Medical Students would like to address the disparity in access to medical studies. The CFMS is asking for government subsidies to cover tuition for students from low-income families. The Association of Faculties of Medicine of Canada supports these subsidies, which already exist in the United States and Australia.

It is pertinent to know that students from low-income families are more likely to practice family medicine and to treat disadvantaged patients.

Research also shows that students from rural areas are 2.5 times more likely to practice in rural communities. Given that it may be easier to keep physicians who have grown up in rural areas from moving away, we need more programs that will attract candidates from these areas to medicine.

It is also important to establish mentorship and information programs that would target the socio-economic groups least represented in faculties of medicine. Preparation required to enter a medical school often begins in high school.

Dr. John Wootton is the president of the Society of Rural Physicians of Canada. He says that "if there is two-tier health care in Canada, . . . it's urban versus rural." It is a fact that 30 per cent of Canadians living in rural and remote areas have difficulty accessing health care.

The Government of Canada is working with the medical community to increase the number of health care professionals in these areas. However, we must be more innovative and lay the foundation for solutions by creating the conditions for equitable access to medical education.

I hope that, in this quest for solutions, careful consideration will be given to the recommendations from the Canadian Federation of Medical Students.

[English]

THE LATE HONOURABLE STERLING R. LYON, P.C., O.C.

Hon. Donald Neil Plett: Honourable senators, on December 16, 2010, we lost a great Manitoban and a great Canadian. Former Manitoba Premier Sterling Lyon passed away following a brief illness at the age of 83. He leaves behind him a great legacy. He was truly a political champion for both Manitobans and Canadians.

Sterling Lyon was first elected to the Legislative Assembly of Manitoba in 1958 in the Winnipeg riding of Fort Garry. He was later named as the attorney general by Premier Dufferin Roblin after the Conservatives won a majority government in 1959. In his time in the Manitoba legislature, Sterling Lyon also served as Government House Leader, Minister of Public Utilities, Minister of Municipal Affairs and Minister of Mines and Natural Resources.

In 1974, Sterling Lyon tried his hand at federal politics, narrowly losing the riding of Winnipeg South to Liberal James Richardson and subsequently returned to provincial politics.

In 1975, Sterling Lyon was elected leader of the Progressive Conservative Party of Manitoba. In 1977, Lyon was elected as the seventeenth Premier of Manitoba, leading the Progressive Conservative Party into power in the Manitoba legislature. He served as premier from 1977 to 1981.

In his time as premier, Sterling Lyon took a strong role in the repatriation of the Constitution and in the creation of the Charter of Rights and Freedoms, which continue to have an impact on Manitobans and all Canadians. He is well known for butting heads with then Prime Minister Pierre Trudeau regarding the inclusion of the notwithstanding clause in the Charter of Rights and Freedoms, which created the defence of the supremacy of elected parliaments over unelected courts.

Lyon's government was defeated by the NDP in 1981 after only one term in office, in large part due to his strong fiscal conservatism and prudent government spending policies. Lyon subsequently acted as Leader of the Opposition for two years after the 1981 election. In 1983, he stepped down as the Conservative leader and in 1986, retired from politics.

In 2002, Mr. Lyon was inducted into the Order of Manitoba, and in 2009, was also made an Officer of the Order of Canada for his many accomplishments, including the expansion of community-based health and social services and modernized governmental financial procedures in Manitoba.

Sterling Lyon was not only a great public servant but also a great friend, husband and father. Though he was a hardworking man with a busy schedule, he always managed to find time to spend with his friends and family, whether it was hunting with his sons or spending time at the cottage. Sometimes family time was found with a little help from clever scheduling. On election day in 1981, once campaigning was over, Lyon took his son out duck hunting for the afternoon.

Sterling Lyon was a man of strong personality who truly had a profound influence on all Canadian lives. To quote Shakespeare:

He was a man, take him for all in all,
I shall not look upon his like again.

Honourable senators, please join me in acknowledging Sterling Lyon and his many notable contributions for our province, Manitoba, and our country, Canada.

2011 CANADA WINTER GAMES

Hon. Jane Cordy: Honourable senators, while Nova Scotia is always a great place to be, the last two weeks of February will be especially exciting. The 2011 Canada Winter Games will begin in Halifax, Nova Scotia, this Friday, February 11. Thousands of young athletes will be in Nova Scotia to compete in the 2011 Halifax Canada Games. These athletes have dedicated much time and effort in developing skills in order to represent their provinces in their respective sports. We know that these talented young people will compete with determination and strive to win but will also display fine sportsmanship. I would like to extend to all athletes my congratulations and best wishes for a successful competition. I would especially like to send best wishes to Brandon and Liam Dimmer who are neighbours of mine in Dartmouth and members of Team Nova Scotia. I would like to recognize the thousands of volunteers who will help to make the Halifax Canada Games a success.

• (1350)

I invite all honourable senators to Halifax to enjoy these Canada games. There will, of course, be the athletic competition but, in addition, there will be outdoor concerts to enjoy, featuring artists such as Joel Plaskett, Matt Mays, Sloan, and Great Big Sea.

Honourable senators, the 2011 Canada Winter Games are shaping up to be a lot of fun with Atlantic Canadian hospitality at their heart. It will be a great few weeks, so come and celebrate with us.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before continuing with Senators' Statements, I wish to draw your attention to the presence in the gallery of a special guest to whom I wish to say *qujannamiik*, which means in Inuktitut "thank you for visiting us." Our distinguished guest is none other than Paul Okalik, who is the Speaker of the Legislative Assembly of Nunavut. I might add that his family name means "rabbit," and what better season to come to the Senate of Canada than in the launch for the Year of the Rabbit.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

BAFFINLAND IRON MINE

Hon. Dennis Glen Patterson: Honourable senators, I would like to join His Honour in welcoming Speaker Okalik.

There have been significant events that have recently occurred in Nunavut and, indeed, in the international marketplace that I believe will have a profound and lasting effect on the economic future of this rich region of Arctic Canada, which I am proud to represent in this chamber.

The events I am referring to are Baffinland Iron Mines being acquired by ArcelorMittal and Nunavut Iron Ore.

As you have heard from me before, Baffinland held the rights to the Mary River Project, one of the richest iron ore projects in the world, a veritable mountain of hematite, which is located on northern Baffin Island.

Baffinland had been advancing the Mary River Project for years and it had reached a point where significant capital was needed to take the project through the final development and then on to the mining stage.

While it is known that Mary River has reserves lasting at least 21 years, there are literally hundreds of millions of tonnes of future iron ore resources, which means that this project will provide decades of benefits through training, employment and business opportunities to the communities of the North Baffin and other regions of Nunavut.

Moreover, the mine will provide significant revenues to the Government of Nunavut and the Qikiqitani Inuit Association, which will respectively receive taxation and royalty revenues from the project. Equally important will be the contribution that this \$6 billion project will make to the GDP of our country and revenues for our federal government.

For those of you who are not familiar with the companies that acquired this development, ArcelorMittal is the largest steel manufacturing company in the world and the fourth largest iron ore miner globally.

From a Canadian perspective, ArcelorMittal is no stranger to this country, being the owner of ArcelorMittal Dofasco and ArcelorMittal Mines Canada, formerly known as Quebec Cartier Mining, together employing over 7,000 Canadians.

It is also worth mentioning that several senior members from ArcelorMittal have significant cold regions mining project experience. Phil Du Toit, the new CEO, led the implementation of Northwest Territories' successful Diavik diamond mine and the Voisey's Bay nickel mine in Labrador. Peter Kukielski was chief operating officer at Teck Resources and was responsible for the Red Dog zinc mine in Alaska, and, similarly, while COO of Falconbridge, he was responsible for the Raglan nickel mine in the Nunavik region of Northern Quebec.

ArcelorMittal mining team is completing a green field mining project in Liberia and, as such, will be the first mining company to bring iron ore production to West Africa. They are aiming to achieve the same pioneering feat in Nunavut. ArcelorMittal's partner Nunavut Iron Ore is a company that was established to bid for Baffinland, and during the bidding process, Nunavut Iron Ore and ArcelorMittal joined forces to secure the deal.

ArcelorMittal have confirmed that they intend immediately to pursue development of the project.

Mary River is very unique in a very unique and special part of the world.

This project potentially presents tremendous opportunity for the Nunavut labour force and private sector and significant opportunities for Canada. While the project is currently in the regulatory process, I remain confident that Nunavut boards and agencies will make the necessary decisions and recommendations that will ensure the Nunavut environment is respected and socio-economic impacts in nearby communities will be manageable and beneficial. I plan to meet the ArcelorMittal group later this month and look forward to hearing more about their plans for the years to come.

I know I speak for all honourable senators in welcoming and supporting ArcelorMittal as they pursue development of this special project in Nunavut.

THE LATE LESLIE LORNE MCLAUGHLIN

Hon. Daniel Lang: Honourable senators, I rise to pay tribute to Leslie Lorne McLaughlin, who passed away in Ottawa on January 8 at the age of 69.

Les started his life in Yukon at the age of three and played minor hockey in Whitehorse, and then eventually went on to play senior hockey.

At the same time, he volunteered at the military-run radio station CFWH in the late 1950s.

Les then began his broadcasting career at CBC Northern Service in Yukon in 1962 and was a full-time announcer operator by 1964, where he worked until 1968. He then went to work in

Montreal as the Northern Service producer, and then to Ottawa as the producer and head of the Ottawa production unit from 1980 to 1995.

Fortunately for Canada's and Yukon's heritage, Mr. McLaughlin committed the voices and memories of pioneers from the Yukon to audiotape, videotape, music and the spoken word. His work will enrich Canadians for generations to come.

The *Whitehorse Star* in marking his passing, referred to "the patented McLaughlin voice, rich in baritone, authoritative in its delivery and razor-sharp in its accuracy."

Honourable senators, I remember it well. All Yukoners remember his voice very well.

Mr. McLaughlin received the CBC President's Award in 1992, the Yukon Heritage Award in 1996 and the Yukon Commissioner's Award in 2005.

After retiring from his job as producer in Ottawa, Les went on tour and produced records of the music of the North. He was the founding producer of the True North Concert series broadcast across Canada. Les also produced a unique and innovative series of broadcast recordings, featuring Northern musical talent from across the North. The series includes over 1,000 musical selections. He was committed to the North.

Dave Brown of the *Ottawa Citizen* recently wrote the following about Les:

He was modest and self-effacing, rare qualities in a media star, particularly of the CBC variety . . . He wore oversized glasses. There were unproved rumours he actually owned a tie. His usual greeting was to dip his head, peer over his glasses, and smile.

Fellow senators, Canada and Yukon were well served by Les McLaughlin. Along with his children, Mark and Angela, and their families, and his sister Margaret, who came to be by his side for the last couple of months, we mourn his passing and celebrate his contributions to Canada.

HATE CRIME CONVICTIONS

Hon. Donald H. Oliver: Honourable senators, yesterday I rose to speak about Black History Month, and today I rise to speak about why that month is so important.

On March 10, 2010, I called to your attention a cross-burning incident that took place in Poplar Grove, Nova Scotia.

As you may recall, a seven-foot wooden cross, reminiscent of the activities of the Ku Klux Klan, was erected and burned on the lawn of a biracial family in the middle of the night on February 21, 2010. A hangman's noose was attached to the cross. While it burned, Shayne Howe, Michelle Lyon and their five children were threatened with racially charged words of hatred.

Two brothers, Justin and Nathan Rehberg, 20 and 21 years of age, were accused and convicted of these horrific crimes.

• (1400)

Crown Prosecutor Darrell Carmichael called the cross-burning incident, "... a sensational message of racial hatred," signifying that there is profound historical and cultural significance to the burning of a wooden cross with a hangman's noose.

On January 10, Judge Claudine MacDonald sentenced Justin Rehberg to two months in prison for inciting public hatred and two months for criminal harassment. The next day, Justice John Murphy sentenced Nathan Rehberg to six months in jail for criminal harassment and four months for incitement of hatred.

While handing down her sentence, Judge MacDonald said:

To act the way you did, to use the symbol of hate ... you victimized the family and you had an impact on the community at large.

Halifax's *The Chronicle Herald* ran an in-depth coverage of the trials. Last week it published a thought-provoking, detailed, four-part series on the cross-burning incident. Many Nova Scotians who responded by way of letters to the editor to the series denied the fact that racism even existed.

Dan Leger, director of news content for *The Chronicle Herald* wrote:

There is a problem and we can't ignore it just because we fear stirring up old resentments ... We did the story because it is important to shine light on dark events, to tackle a painful issue that has long divided Nova Scotians.

Honourable senators, it is the second time in Canadian history that a burning cross has been recognized as a hate crime in a court of law. The first was in 2001 in Moncton.

It also reminds us that hate crimes and racism do, in fact, exist in Canada. In 2007-08, more than 1,800 hate crimes were reported to police in Canada; 58 per cent of these were centred on race or ethnicity.

Honourable senators, what happened in Poplar Grove last year was an offensive and insensitive act of hatred and, regretfully, a crude reminder that racism still poisons our society.

Honourable senators, please join with me in doing what you can to help fight race hatred, to promote tolerance and equality, and, finally, to raise awareness about the benefits of diversity.

[Translation]

ROUTINE PROCEEDINGS

CANADA-UNITED STATES RELATIONS

DECLARATION BY THE PRIME MINISTER OF CANADA AND THE PRESIDENT OF THE UNITED STATES

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a declaration made by the Prime Minister of Canada,

Stephen Harper, and the President of the United States, Barack Obama, in Washington, on February 4, 2011, entitled: *Beyond the Border: a shared vision for perimeter security and economic competitiveness*.

[English]

GOVERNMENT PROMISES

NOTICE OF INQUIRY

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I give notice that, on Tuesday, February 15, 2011:

I will call the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

QUESTION PERIOD

INTERNATIONAL COOPERATION

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY—PROJECT OVERSEAS FUNDING

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. For 50 years, Canadian teachers have volunteered their time and experience to improve education in developing countries. The Canadian Teachers' Federation has partnered with the Government of Canada to send Canadian teachers — over 1,900 since the program began — to developing countries around the world, working with teachers in places such as Ghana, Malawi, Mongolia, Uganda, Mozambique, Burkina Faso, Sierra Leone and Haiti.

The Canadian Teachers' Federation has estimated that if even half the teachers around the world who participated in this program improve their teaching, at least 1.4 million students would have benefited. All of this has come crashing down. The government has rejected the request for funding for the upcoming five years of Project Overseas. Forty thousand teachers overseas and their over two million students will be the immediate casualties of this decision.

An email from a CIDA official stated:

It was determined that the most recent Canadian Teachers' Federation proposal did not meet our aid effectiveness criteria.

What criteria did the proposal not meet? What part of encouraging and educating young people in developing countries does the government not support?

[Senator Oliver]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. As I have said many times before in answer to questions related to CIDA funding, our government is bringing real accountability to development funding to ensure that our taxpayers' dollars bring real results. We want to ensure that the money we put into these programs is getting to the people who need it the most.

I am informed that CIDA has been working with the Canadian Teachers' Federation for the last six months to help them adapt their programs to the funding criteria.

Senator Cowan: My question, of course, was: What criteria did the proposal not meet? Perhaps the leader would take that as notice and could respond to us so that honourable senators would know.

The difficulty I have is that this is not an isolated incident. This is reminiscent of the decision that the government recently took to axe funding to KAIROS. The minister responsible for CIDA and her parliamentary secretary both repeated in the other place, over and over, that KAIROS did not meet the official criteria for funding. Then the president and vice-president of CIDA unequivocally stated that they, representing CIDA, had recommended KAIROS for renewal of its \$7 million grant. Honourable senators will know that KAIROS is an NGO that focuses on human rights, poverty and other justice-related issues.

The Canadian Teachers' Federation, which is engaged in sending teachers to some of the poorest places in the world, tries to help build a better tomorrow in those places through education.

The CTF was told their application was rejected not on the merits, but because of a technicality, and this after they had worked with CIDA for 18 months on the new proposal.

What technicality was it that justified killing this excellent program? In 18 months, through that whole period of time when CIDA was helping CTF with the preparation of the proposal, not once did CIDA alert CTF to this technicality. Why not? Is this just another example of CIDA taking the fall for a decision made elsewhere in government?

Senator LeBreton: We understand that CIDA officials expressed direct concerns with the Canadian Teachers' Federation regarding a lack of focus, a lack of sustainability and a lack of budgetary information.

Having said that, the Canadian Teachers' Federation is more than welcome to address these issues and apply for funding under a new call for proposals.

• (1410)

With regard to KAIROS, Minister Oda has always been clear. As I have said before with regard to funding by the Canadian International Development Agency, often projects do not meet government priorities, which was the case with KAIROS. We cannot fund every single proposal that is made. People who receive funds from various government programs are not guaranteed that they will receive them in perpetuity. Other new people and agencies are applying for funds. In the case of work

that was done by KAIROS, KAIROS has partner organizations, such as the United Church of Canada and Lutheran World Relief, which have been funded and are continuing with that good work.

Hon. Jane Cordy: The leader said that one of the reasons the Canadian Teachers' Federation was not given funding was because of lack of sustainability. This program has been going on for over 50 years. I would think that program is sustainable.

Mary-Lou Donnelly, President of the Canadian Teachers' Federation, outlined, as Senator Cowan has said, that the Canadian Teachers' Federation was rejected not on the merits of the program they proposed but on a technicality. A program that has been in place for over 50 years, where volunteers give teacher training and curriculum development programs in Africa, Asia and parts of the Caribbean, has been rejected on a technicality. It has been rejected, the leader said, because of lack of sustainability. I find that reason to be incredible.

Can the Leader of the Government, as Senator Cowan said, please tell us what this technicality was?

Senator LeBreton: Honourable senators, I believe I was clear that it was more than a technicality. I will repeat: The agency officials expressed concern with the Canadian Teachers' Federation regarding a lack of focus, a lack of sustainability and a lack of budgetary information. I think those concerns are a little more than a technicality.

As I have said many times, and I will repeat again, there are many worthy causes for which CIDA is approached for funding. CIDA funds many organizations. Simply because some organizations are funded does not mean that the funding goes on in perpetuity. Other bodies and agencies deserve to be considered as well.

Honourable senators, I repeat: Concerns were expressed with the proposal by the Canadian Teachers' Federation about lack of focus, lack of sustainability and lack of budgetary information. Those concerns are important, since we are talking about taxpayers' dollars. The federation has been invited, and they are more than welcome, to address these issues that were raised with them directly and apply for funding under a new call for proposals.

Senator Cordy: Let me get this straight. CIDA told Mary-Lou Donnelly, President of the Canadian Teachers' Federation, that they were rejected because of a technicality, but the leader is telling us that, in fact, it was not only a technicality; the CIDA officials were wrong when they spoke to Mary-Lou Donnelly. Is that what the leader is saying?

Senator LeBreton: I am simply saying that I was not party to the conversation between the CIDA official and the individual the honourable senator mentioned. I am reporting to the honourable senator what was reported to me by officials. I did not use the word "technicality"; the honourable senator used the word "technicality."

Hon. Céline Hervieux-Payette: Honourable senators, for a number of years now I have been working with the Inter-Parliamentary Forum of the Americas. We work with the entire continents of the Americas — North America, South

America and Central America. We have to deal with CIDA. I have seen our staff exhausted because they sometimes have to renegotiate the same contract three times.

In terms of reporting — and this point was mentioned also in the previous report of the Senate on CIDA administration — the demands for specific analysis of projects, et cetera, are beyond any requirements in the private sector.

Will the leader at least report to us what specifications CIDA requires? Are the requirements state-of-the-art in terms of administration? Everyone we speak to in this country about CIDA requirements in terms of financial reporting find the requirements are beyond the imagination and certainly not according to best practices. I want to ensure that the federation has not been subjected to standards that no one else is applying anywhere in society.

Senator LeBreton: Honourable senators, as we know, there are many pressures on CIDA for funding. They perform great work around the world. Obviously, complaints about CIDA are something that CIDA must put up with. There are always groups that complain about the process they must go through when they make applications to CIDA.

Without all of the details, I believe that in the application process for funding through CIDA, CIDA follows a process where accountability is important. Furthermore, the aid that they fund is effective and targeted, and goes to those places where it is most in need.

Hon. Terry M. Mercer: Honourable senators, I am having difficulty with this answer. The leader talked about lack of focus, sustainability and budgetary information. The focus is 50 years of doing a job around the world and helping thousands of teachers and millions of students improve their lives in Africa, Asia and the Caribbean region. The sustainability is this program has been delivered over 50 years. Budgetary information is provided in all the applications.

What prompted me to rise to my feet was the talk about the Canadian Teachers' Federation not meeting the requirements for filling out an application. I recall only a short while ago, as honourable senators will recall, that the Prime Minister had a big event where he talked about the commitment of the Conservative government to cutting what? Red tape. He was cutting red tape.

It seems to me, honourable senators, that a program like this one, which has been praised by people across Canada and around the world as a terrific program, is a great place to show the kind of leadership that the Prime Minister seemed to indicate he wanted to demonstrate: by cutting the red tape and by ensuring that this program receives funding and receives it now.

Senator LeBreton: Honourable senators, there is a big difference between cutting red tape and demanding accountability. Again, honourable senators, the government is committed to making Canada's international assistance more focused, more efficient and more accountable.

We want to ensure our assistance is getting into the hands of those who need it most. One of the first measures we took in this area, although I did not hear much praise in this place, is that we

untied food aid. We were a major donor to the World Food Programme. Our new aid-effectiveness agenda focuses assistance on food security, children and youth, and sustainable economic growth. That is what I mean by focusing — drawing attention and being more accountable for our food-aid dollars, which are widely sought after.

With regard to the Canadian Teachers' Federation, obviously they have been delivering this program for some time. That is obvious. However, that does not mean that this program continues in perpetuity, and it does not mean that at some point in time these programs will not be looked at. If CIDA has found a problem with lack of sustainability, lack of budgetary information and lack of focus, I believe it is incumbent not only on CIDA officials but also on the Canadian Teachers' Federation to work together, as they appear to be doing, to resolve these issues.

• (1420)

Senator Mercer: Honourable senators, it is incumbent upon the Canadian Teachers' Federation to do so, but the federation has been collaborating with CIDA for the past 18 months. During those 18 months, could someone from CIDA have asked the Canadian Teachers' Federation to provide CIDA with more financial information? Could someone from CIDA have made it clear that CIDA was not happy with the teachers' description of sustainability? Could someone at CIDA have asked to learn more about the sustainability of the federation? Could someone from CIDA have mentioned that CIDA feels that the federation is not focused enough, even though the Canadian Teachers' Federation has been in this business for 50 years?

Over 18 months, combined with the Prime Minister's commitment to cut red tape, you would think this would be a no-brainer, that you could get this done quickly and that you could continue to deliver quality services to teachers and students around the world, helping to raise the level of education of the poorest of the poor.

Senator LeBreton: Honourable senators, that is a very interesting comment, because that is precisely what appears to have happened between the Canadian Teachers' Federation and the CIDA officials.

Honourable senators, the Canadian Teachers' Federation has been told that they are most welcome, once they address these issues, to apply for funding under a new call for proposals.

Hon. Roméo Antonius Dallaire: Honourable senators, the leader's position on accountability and ensuring that funds are well spent and oriented is commendable. The leader's position is based on Bill C-2. However, honourable senators, what happens if the organization is blind in the field?

The Canadian International Development Agency has a body of about 1,200 employees, of whom barely 75 are actually in the field looking at the programs, monitoring the programs, influencing the programs, in order that those who are delivering these programs get the right advice from the agency and that they have a continuous positive flow.

Honourable senators, perhaps the problem is that there are too many CIDA employees writing nearly postgraduate documents in that building on Promenade du Portage and not enough hard information coming from the field to actually take far more enlightened and appropriate decisions than some of the ones we have been seeing recently.

Senator LeBreton: Honourable senators, I will not stand here and prejudice the hard work that the officials at CIDA do and I will not presume that they are not working very hard in the field to address these issues. That is unfair to them. It is unfair to the hard-working public servants who work for CIDA and are working to resolve many of these issues in the various trouble spots and the poorest parts of world. I think they do an excellent job. There is proof now that with more focused efforts — and I go back to untying food aid — there are some real results.

Honourable senators, I will not stand here and give credence to Senator Dallaire's comments about people sitting around writing papers and not being in the field. I do not think that is fair. If we look at the Foreign Affairs and International Trade model, the percentage of people working out in the field is far greater than the percentage of people who are working at DFAIT in Ottawa.

The honourable senator's comments are unfair to CIDA officials and I will not be part of them.

FOREIGN AFFAIRS

INTERNATIONAL DEVELOPMENT ASSISTANCE

Hon. Roméo Antonius Dallaire: Honourable senators, I am not sure whether the leader should bring Foreign Affairs and International Trade into the debate, because over the last years we have gutted Foreign Affairs and, in fact, that department is just a whisper of what it used to be.

Honourable senators, concerning CIDA, I am not talking about the people and whether they are hard-working individuals. On the contrary, they are working incredibly hard. These individuals must be working hard because you have to have nearly a postgraduate degree to get a project approved through CIDA because so many hoops have been created and there is so much prioritization that it costs more to get a project in there than will be realized in monetary return.

Honourable senators, I am stating that systematically within that department they have lost contact with the field because they are all sitting doing paperwork and flying in and out instead of being deployed with authority in the field. They should be in the field monitoring, advising and ensuring that programs do not go sour, as the leader seems to have described with this current project with the teachers.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, my comments are the same as they were in relation to the honourable senator's comments about CIDA officials. It is incorrect for the honourable senator to suggest that the hard-working public servants at Foreign Affairs and International Trade are not what they used to be. It is incorrect to suggest that something is lacking, when in reality nearly

60 per cent of DFAIT's rotational employees are currently posted abroad. Those currently based at headquarters provide valuable support to those people who are working in the field.

I hope they are paying attention to what the honourable senator is saying, because I think he is seriously undermining the hard work of our employees at DFAIT.

[Translation]

INDUSTRY

STOCK EXCHANGE MERGERS

Hon. Jean-Claude Rivest: Honourable senators, my question is for the Leader of the Government in the Senate. The government is currently looking at merging — if it is not already done it is about to be done — the Toronto and London, England stock exchanges. This issue is very important to the entire Canadian economy.

Can the minister tell us whether one of the fundamental conditions for the Government of Canada agreeing to this transaction will be the preservation of trading activities in Vancouver — to a smaller extent — and also in Calgary and especially Montreal? We must protect the derivatives market — the activity in the Montreal stock exchange — which was part of the agreement concluded when the Montreal and Toronto stock exchanges were merged.

Can the minister assure us that the Canadian government will not agree to this extremely important transaction unless there is a firm guarantee that stock trading activities in Montreal, Calgary and Vancouver will be protected?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. The Minister of Industry is looking to see how the Investment Canada Act applies to this proposed transaction. The act, as we know, allows for a 45-day period for ministerial review. That is the extent of what I will say on this matter. It is obviously in the news.

There is nothing more to say other than that the minister is looking to see how the Investment Canada Act applies to this proposal.

PUBLIC SAFETY

COST OF CRIME BILLS

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate. In the previous line of questioning about CIDA, the leader referred several times to the government's commitment to accountability and said that she had not received applause. However, honourable senators, the leader's government received applause when, in the interest of accountability, it appointed a Parliamentary Budget Officer. Applause was given to it in this place. The leader received congratulations from this side, because it was a good move.

However, the relationship between the leader's government and the PBO has not been sanguine entirely. This past Monday, a question of privilege was raised in the other place regarding her government's refusal to release the cost estimates of its tough-on-crime legislation.

The Prime Minister is a pretty good piano player and quite a versatile one, but since last autumn, the only tune that this government seems to be playing is about putting more and more people in jail for longer and longer.

Honourable senators, Canadians have a right and we here have a right to know just how much these American-style super-prisons will cost. The Conservative government has replied that it is not required to submit the estimates to the Parliamentary Budget Officer, citing cabinet confidence.

That is a red herring, I think, because the legislation has been introduced and it is now in the public domain. It is a perfectly reasonable thing to ask how much it will cost. The Parliamentary Budget Officer is asking that question.

For a government that claims to be transparent and accountable, the leader must recognize that the Parliamentary Budget Officer cannot do his job if he is not given the information with which to do his calculations. He cannot provide estimates. He cannot provide comments on estimates. He cannot provide comments, as he is supposed to, on proposed government spending unless he is given the information.

Will the leader tell us why her government will not provide the Parliamentary Budget Officer with the information on the cost of building prisons and housing more prisoners?

• (1430)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am well aware of the question of privilege in the other place regarding the cost of our crime bills. I can only report to Senator Banks that the government will be responding to this very shortly.

Senator Banks: Honourable senators, I hope the government will respond by answering the question the PBO is asking. I suppose this is a comment and not a question, but with a spring election looming —

Some Hon. Senators: Oh, oh.

Senator Banks: There is a spring election looming.

I believe the minister will agree that there can only be two reasons for not providing that information. One is that the PMO has contempt for the PBO, which I think might be the case, or there is a simple fear of backlash from taxpayers who are beginning to get fed up with irresponsible government spending.

Senator LeBreton: I am very interested in the assuredness the honourable senator speaks of about having a spring election —

Senator Comeau: They have to get rid of Iggy.

Senator LeBreton: That must be it.

The fact is that the government is governing. There will be a budget brought down. The budget will continue on with our economic plan in the interests of jobs and the economy. We are not anticipating an election but, of course, we have to be mindful of the coalition. The coalition has said that they will defeat the government, so we will be ready.

Some Hon. Senators: Oh, oh!

Senator LeBreton: This government has survived in a minority position for five years now, which is even longer than their beloved Lester Pearson. At different times through that process, we have had many pieces of legislation passed with the support of one or other, or sometimes all, of the opposition parties. That is how we got the legislation through.

The Liberal Party itself has supported us on many initiatives, such as our past budgets. The NDP has supported us. That is quite a different matter from the three parties coalescing to defeat the government and cause an election where their intention is to raise taxes for Canadians.

Senator Banks: My final question is this: Does the leader not understand that she is part of a coalition? Does she not understand that there will be an election unless the NDP caves, and then there will be a Conservative-NDP coalition, which is a very interesting concept?

Senator LeBreton: The fact is that we will be presenting a budget and we operate completely as a government in the interests of Canadians. If one or other party decides to support our initiative, then that is their decision and the honourable senator will not have his wish of having an election so his party can deal with its own leadership problems.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is not about the Bloc-Conservative coalition. I will make that clear.

My question is simply this: Why in the world can the leader not explain to Canadians and provide to the Parliamentary Budget Officer and to honourable senators and members in the other place the cost of the proposed legislation they are asking us to pass? It is impossible to believe that the government has not costed their legislation. What is wrong in principle with providing that information to parliamentarians who are called upon to vote for it? Could the honourable senator explain that to us, please?

Senator LeBreton: I would like to ask the honourable senator what part of yes he has trouble understanding. I have already said the government will be responding very shortly.

Senator Cowan: Will the government be providing that information to parliamentarians in the other house and in this house before we are required to vote on the legislation? Yes or no?

Senator LeBreton: There is a question of privilege by the honourable senator's colleague in the other place who is from the same province he is from. I have a lot of background material on that particular member of Parliament. Talk about someone turning themselves inside out and now saying exactly the opposite of what they once said.

In any event, I can only repeat what I just said. The government will be responding to that Liberal member's question of privilege very shortly.

Senator Cowan: The leader is not answerable for the actions of her colleagues in the House of Commons, but she is answerable and responsible to her colleagues in this chamber. Will she give us an assurance that, before we are asked to vote on any further so-called tough-on-crime legislation, our committees at least will be provided with the best estimates that the government has as to the cost of implementing that legislation?

Senator LeBreton: Honourable senators, it only stands to reason that if there is a question of privilege in the other place and we said we will answer it, then we will obviously answer it with some type of answer. That is all I can say.

[Translation]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—AMENDMENTS— DEBATE ADJOURNED

The Senate proceeded to consideration of amendments by the House of Commons to Bill S-6, An Act to amend the Criminal Code and another Act:

1. *Page 1:* Delete clause 1.
2. *Page 3, clause 3:* Add after line 28 the following:

“(2.7) The 90-day time limits for the making of any application referred to in subsections (2.1) to (2.5) may be extended by the appropriate Chief Justice, or his or her designate, to a maximum of 180 days if the person, due to circumstances beyond their control, is unable to make an application within the 90-day time limit.”

3. *Page 3, clause 3:* Add after line 28 the following:

“(2.7) If a person convicted of murder does not make an application under subsection (1) within the maximum time period allowed by this section, the Commissioner of Correctional Service Canada, or his or her designate, shall immediately notify in writing a parent, child, spouse or common-law partner of the victim that the convicted person did not make an application. If it is not possible to notify one of the

aforementioned relatives, then the notification shall be given to another relative of the victim. The notification shall specify the next date on which the convicted person will be eligible to make an application under subsection (1).”

4. *Page 6, clause 7:* Replace line 9 with the following:

“3(1), within 180 days after the end of two years”

5. *Page 6, clause 7:* Replace line 19 with the following:

“amended by subsection 3(1), within 180 days”

Hon. Claude Carignan: Honourable senators, I move:

That the Senate concur in the amendments made by the House of Commons to Bill S-6, An Act to amend the Criminal Code and another Act, Serious Time for the Most Serious Crime Act, and

That a message be sent to the House of Commons to acquaint that House accordingly.

Honourable senators, as the sponsor of Bill S-6, An Act to amend the Criminal Code and another Act, I would have preferred that the House of Commons not amend the bill. Our government also would have preferred that. Nevertheless, the government believes that the bill should continue through the legislative process with the proposed amendments.

Indeed, at the House of Commons Standing Committee on Justice and Human Rights meeting on November 23, 2010, four amendments were adopted with the support of the three opposition parties. Two of the amendments had to do with the time limit for making an application for parole under the faint hope clause. A third amendment had to do with notifying the families and loved ones of murder victims. The fourth amendment was to delete the short title.

At present, applicants have 90 days in which to submit an application for parole under the faint hope clause, pursuant to sections 745.6, subsections (2.1) to (2.5) of the Criminal Code and to the transitional clauses of subsections 7(2) and (3). The 90-day time limit was considered enough time given that Correctional Service Canada helps inmates prepare their applications at least one year before they have served 15 years of a life sentence.

One of the three amendments regarding the time limit for submitting an application to a judge — the proposed subsection is 745.6 (2.7) — aims to increase the time limit from 90 days to 180 days, if inmates are unable to do so within 90 days due to circumstances beyond their control. The other two amendments are concurrence amendments meant simply to replace the 90-day time limit with a 180-day time limit.

With respect to the last amendment regarding subsection 745.6 (2.7), it states that Correctional Service Canada must immediately notify in writing a parent, child, spouse or common-law partner of the victim if the convicted person does not make an application for parole under the faint hope clause.

Honourable senators, I propose that we support the will of the House of Commons and the proposed amendments.

• (1440)

[English]

Hon. Sharon Carstairs: Honourable senators, it is clear that the crime policy of the government has been exposed for all of its flaws. The government purports to tell us they are all about the victims and yet the honourable senator stood in this place and said that he would have preferred the bill to be passed without amendments. One of those amendments, honourable senators, was all about victims. It was to inform the victims if a convicted murderer had not made use of the faint hope clause and thus ease their concern about the faint hope clause.

If the honourable senator was concerned genuinely about victims, he would have stood up in this chamber and applauded that amendment from the other place and he would not have said that he preferred the bill without amendments. The crime agenda has never been about victims; it has been about vengeance; and nothing relates more to that concept than the faint hope clause and the desire of this government to do away with it.

It is important to put on the record what many of the churches in this country think about this policy. I will identify the members of the Church Council on Justice and Corrections: the Anglican Church of Canada, Baptist Convention of Ontario and Quebec, Canadian Conference of Catholic Bishops, Christian Reformed Churches of North America, Disciples of Christ in Canada, Evangelical Lutheran Church in Canada, Mennonite Central Committee Canada, Presbyterian Church in Canada, Religious Society of Friends (Quakers), the Salvation Army in Canada and the United Church of Canada.

What has the Church Council on Justice and Corrections written in a letter to Prime Minister Harper with respect to his crime agenda? The letter stated:

Dear Mr. Prime Minister,

The Church Council on Justice and Corrections (CCJC) is most concerned that in this time of financial cuts to important services you and the government of Canada are prepared to significantly increase investment in the building of new prisons.

Proposed new federal laws will ensure that more Canadians are sent to prison for longer periods, a strategy that has been repeatedly proven neither to reduce crime nor to assist victims. Your policy is applying a costly prison response to people involved in the courts who are non-violent offenders, or to repeat offenders who are mentally ill and/or addicted, the majority of whom are not classified as high risk. These offenders are disproportionately poor, ill-equipped to learn, from the most disadvantaged and marginalized groups. They require treatment, health services, educational, employment and housing interventions, all less expensive and more humane than incarceration.

The Canadian government has regretfully embraced a belief in punishment-for-crime that first requires us to isolate and separate the offender from the rest of us, in our minds as well as in our prisons. That separation makes what happens later easier to ignore: by increasing the number of people in jail for lengthier sentences you are decreasing their chance of success upon release into the community.

The vision of justice we find in Scripture is profound and radically different from that which your government is proposing. We are called to be a people in relationship with each other through our conflicts and sins, with the ingenious creativity of God's Spirit to find our way back into covenant community. How can that be if we automatically exclude and cut ourselves off from all those we label "criminal"?

Increasing levels of incarceration of marginalized people is counter-productive and undermines human dignity in our society. By contrast, well supervised probation or release, bail options, reporting centres, practical assistance, supportive housing, programs that promote accountability, respect and reparation: these measures have all been well-established, but they are underfunded. Their outcomes have proven to be the same or better in terms of re-offence rates, at a fraction of the cost and with much less human damage.

Public safety is enhanced through healthy communities that support individuals and families. We, therefore, respectfully ask you to modify your government's policy taking into consideration the impact it will have on the most disadvantaged, its lack of effectiveness, and its serious budgetary implications.

Sincerely,

The Church Council on Justice and Corrections

Honourable senators, the faint hope clause was introduced originally when we introduced a bill that did away with capital punishment in this country. The clause was put in place for two reasons: first, the belief that people could be forgiven, that they could change and that they could reform; and second, the genuine concern that if people were sentenced to life imprisonment for 25 years with no eligibility for parole for committing first degree murder, it might place an unfair burden on those who were in the business of helping to incarcerate — specifically the guards.

If people have no hope, then what is their justification for good behaviour? What is their justification for trying to live their lives, in a better fashion and in a better manner? The faint hope clause was added in the hope that it would challenge them to do just that; and it has been highly successful. Never has an individual released in Canada under the faint hope clause committed another murder. Over 97 per cent of them have never had any further difficulty with the law.

Senator Mercer: Is it 97 per cent?

Senator Carstairs: Yes, it is 97 per cent. Yet, we want to imprison them longer; for what reason?

Senator Mitchell: It is disgusting.

Senator Carstairs: I remind honourable senators who intend to vote for these amendments, and thus for the bill, that once passed, the bill will do away entirely with the faint hope clause for anyone convicted of murder. It will not apply to those convicted before its passage. The 90 days was increased to 180 days so they could still apply, except anyone convicted from date of prorogation forward.

For those people eligible to apply, what do they have to go through? Who do they have to convince? First, they must convince the judge that they have reformed sufficiently to be given permission to appear before a jury. If the judge says, no, that is the end. If the judge says, yes, they go before a jury. They must convince the jury that they have reformed so that the jury grants them permission to go before the Parole Board of Canada. They must then convince the members of the Parole Board of Canada to release them.

Honourable senators, they must go through all of those stages before they can be released into the community; and yet, this government wants to eliminate that clause.

• (1450)

Honourable senators, I cannot support that. I cannot support legislation based on vengeance. That is not what I was taught as a child and it is not what I believe in as an adult. It is not, I believe, a part of the Canadian value system.

[Translation]

Hon. Pierre Claude Nolin: Why does Senator Carignan agree that we drop the short title?

Senator Carignan: I believe that, after careful review of Bill S-6, the House of Commons made a few minor changes, namely to the title and changing the deadline from 90 to 180 days where appropriate.

The House of Commons and the Liberal opposition in the House of Commons agreed on the principles of this bill. They voted in favour of the bill. I cannot recommend that honourable senators oppose the minor changes. I think we need to get to the heart of the matter and protect victims and victims' rights, and we have to make sure that a life sentence is a life sentence.

Senator Nolin: I would like another clarification. Amendments 2 and 3 suggest a paragraph (2.7). Are there two paragraphs 2.7 in clause 3 of the bill?

Senator Carignan: I have received the ninth report of the Standing Committee on Justice and Human Rights and indeed, it mentions paragraph (2.7). I imagine that both paragraphs (2.7) will follow in subsection 1 and in subsection 2. That is how I understood the report because clause 3 states: "...be amended by adding after line 28 on page 3 the following."

(2.7) is being added, but was already adopted. I gather part 3 will have a second subsection to clause 2.7. That is how I understood it. Unfortunately, this is a report that was not presented as a bill to amend, which would have allowed us to identify specific flaws like the one Senator Nolin has flagged, but that it is how it is written in the report.

Senator Nolin: I think His Honour should address this inconsistency before we vote on the bill. We are being asked to adopt two paragraphs that would have the same number in the same clause. Before we can properly vote on the amendments, I think His Honour should clear up this matter.

I feel very strongly that there cannot be two subsections with completely different text that share the same number. I implore His Honour to intervene so that we can vote on this bill properly.

The Hon. the Speaker: Honourable senators, the question before the chamber is very clear and if, over the course of debate, other amendments are proposed, that is a different question. If there are no amendments, then we will be debating the amendments proposed by Senator Carignan, seconded by Senator Demers.

[English]

Hon. Joan Fraser: Honourable senators, I do not think Senator Nolin phrased this as a point of order but, if necessary, I will. Senator Nolin has drawn our attention to the fact that the material before us gives two identically worded instructions to do "the following," except that "the following" is different in the two cases. I think Senator Nolin has a valid point in saying that we need clarification on this matter, so I am seeking that from you, Your Honour. If it takes a point of order, would you consider it to be a point of order?

The Hon. the Speaker: I do not consider it to be a point of order. I think that we have identified something in debate and, when we identify something in debate that needs modification, the way to deal with it is to move an amendment to see whether or not the house agrees to make that change.

Senator Murray: The bill was amended by the House of Commons.

The Hon. the Speaker: Exactly, and we are dealing with that amendment. If we do not like the wording, then this house has available to it options that should be presented to the house by way of a clear question that it can deal with.

(On motion of Senator Banks, debate adjourned.)

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Claude Carignan moved second reading of Bill C-21, An Act to amend the Criminal Code (sentencing for fraud).

He said: Honourable senators, I am grateful for the opportunity to speak to Bill C-21, which addresses the important issue of enhancing the sentencing provisions for fraud.

Frauds come in all shapes and sizes and Canadians are at risk in virtually all aspects of their lives. It is clear that fraud is a problem on which we need to focus our attention. Today's fraudsters are highly sophisticated and anyone can become a victim.

It is harder and harder for Canadians to tell the legitimate businesses from the scams. The result is that Canadians and foreigners are being defrauded out of millions.

• (1500)

Securities fraud also diminishes the confidence of Canadians in capital markets, in Canadian companies and in the regulatory authorities tasked with ensuring that transactions are open, transparent and fair.

This bill contains a number of measures designed to strengthen sentencing for people who commit serious fraud offences and it also sends the message that these crimes have very serious consequences for victims.

The impact on victims can be enormous and devastating; they can suffer significant harm as a result of the crime and that must be taken into consideration by judges when imposing sentences.

It may be useful to remind honourable senators of the current state of the law with respect to fraud.

The Criminal Code already addresses all forms of white collar crime: securities-related frauds, such as insider trading and accounting frauds that overstate the value of securities issued to shareholders and investors, mass marketing fraud, theft, bribery and forgery, to name just a few of the offences that may apply to a given set of facts.

The maximum penalty for fraud is already high. For fraud over \$5,000 the maximum term of imprisonment is 14 years.

This is the highest maximum penalty in the Criminal Code, short of life imprisonment.

Several specific aggravating factors for fraud are provided in the Criminal Code, in addition to those which apply generally to all offences.

The aggravating factors require sentencing courts to increase the penalty imposed when, for example, the value of the fraud exceeds one million dollars, the offence involved a large number of victims, or, in committing the offence, the offender took advantage of the high regard in which he was held in the community.

Canadian courts have clearly stated that for large-scale frauds, deterrence and denunciation are the most pressing objectives in the sentencing process.

We routinely see sentences in the four to seven year range for large-scale frauds, and more recently, we have seen prison sentences over 10 years for very large-scale cases of fraud.

The courts have been clear that a serious penitentiary sentence must be imposed for large-scale fraud.

But there is still much more to be done. We can strengthen the provisions of the Criminal Code to include tougher sentences.

The bill proposes a new mandatory minimum penalty of two years for large-scale fraud with a value over \$1 million.

Orchestrating and operating a fraud scheme worth more than \$1 million is a serious crime and should carry a minimum two-year prison sentence.

The time spent coming up with, planning and executing large-scale frauds reflects the morally reprehensible nature of the act, for which there must be serious penalties in the Criminal Code.

Furthermore, we all know that there are fraudsters who have managed to extort well over \$1 million out of Canadians.

In addition, obviously, the mandatory minimum penalty of two years in prison for fraud with a value of over \$1 million should be seen as a starting point and not a cap.

The government believes that cases of higher-value fraud will naturally receive harsher penalties, and the courts have shown that they are willing to hand out sentences of five to seven years for large-scale fraud.

However, we want to send the message that cases of lower-value fraud — but still over \$1 million — must be taken seriously even if they are on a smaller scale than the large-scale frauds that are so well covered by the media.

The bill adds several new aggravating circumstances to those already specified in the Criminal Code for fraud offences set out in section 380.1(1).

These new aggravating circumstances are: if the fraud had a particularly significant impact on the victims taking into account their personal characteristics such as age, financial situation and health; if the fraud was significant in its complexity or duration; if the offender failed to comply with applicable licensing rules; and finally, if the offender tried to conceal or destroy documents which recorded the fraud or the disbursements of the proceeds.

In order to determine a sentence that suits the facts and circumstance of each case, sentencing courts will take these new aggravating circumstances into consideration, as well as those already set out in section 380.1 and the general circumstances set out in section 718.2 of the Criminal Code.

The bill also includes a new sentencing measure to limit the possibility that a person convicted of fraud could have access to or control over another person's assets.

This prohibition order can be for any duration the court considers appropriate. Violating a prohibition order would also be an offence.

The proposed new prohibition order would include some protective measures: the judge would have discretionary authority to make such an order; the judge could not make the order until the prosecution and the defence had the opportunity to comment on the impact such an order might have on the offender's ability to earn a living and other relevant considerations; the offender or the Crown could ask the court to vary the order.

This measure will help prevent fraud by preventing convicted fraudsters from deceiving others into handing them their money again.

Other measures in the bill focus more directly on the specific concerns of victims of fraud: the proposals deal with restitution and with the consideration of community impact statements.

Restitution is the return or restoration of some specific thing to its rightful owner.

It is part of the overall sentence given to an offender, as a stand-alone measure, or as part of a probation order or a conditional sentence.

The Criminal Code currently enables judges to order offenders to pay restitution to victims in appropriate circumstances to help cover monetary losses incurred by the victim as a result of bodily or psychological harm or damage to property caused by the crime.

An offender might be ordered to cover expenses incurred by a member of the offender's household as a result of moving out of the household in cases of bodily harm or threat of bodily harm.

The amount of restitution must be readily ascertainable and not in dispute. It cannot be ordered for pain and suffering or other damages that can only be assessed in civil court.

Restitution may be ordered as a stand-alone order or as a condition of probation or conditional sentence.

In deciding to make a restitution order, judges must take into account the offender's ability to pay.

Bill C-21 would require judges to consider restitution orders in all cases in which an offender is found guilty of fraud.

A judge would have to ask the prosecutor whether reasonable steps had been taken to provide victims with an opportunity to indicate that they were seeking restitution. This would allow the victims to establish their monetary losses and give them a chance to indicate that they would like to seek restitution from the offender.

• (1510)

In cases where the victim requests restitution and the judge decides not to make a restitution order, the judge will be required to justify that decision.

This measure should make it possible to avoid inadvertently omitting the question of restitution. Moreover, victims will be able to understand why judges decide, in certain cases, not to make a restitution order.

The bill also proposes including in the Criminal Code an optional form to assist victims in calculating their losses.

The value of the losses incurred must be readily ascertainable and victims will be required to provide evidence to support their claims. However, the courts will be able to continue to accept information regarding a request for restitution presented in other ways.

The use of the form will not be mandatory but the form will be available to facilitate the process for victims, prosecutors and judges.

Bill C-21 also includes measures to ensure that the effects of fraud are properly taken into account during the sentencing process.

Fraud has a major impact on victims, including financial, emotional, psychological and social harm.

The harm done to victims continues to be an important consideration for the courts when dealing with cases involving fraud.

Bill C-21 goes even further by recognizing the effects fraud has not only on individuals but also on groups and communities.

The bill proposes amendments that would specifically allow statements made on behalf of the community to be taken into account during the sentencing hearing so that judges can fully assess the terrible effect that fraud can have on an entire community.

The Criminal Code currently provides that in determining the sentence to be imposed on an offender, judges must consider any victim impact statements that have been properly submitted to the court. These statements are prepared by victims of an offence and describe the harm done to or loss suffered by the victim.

These statements must be prepared in writing, but may also be read in court by the victim during the hearing sentencing or presented in any other manner that the judge considers appropriate.

In addition to the formal victim impact statement, the Criminal Code provides that the court may consider any other evidence concerning the victim for the purpose of determining the sentence.

Judges have given the term "victim" a broad interpretation so that people other than the direct victim, including communities, have been permitted to provide victim impact statements.

Bill C-21 would explicitly allow courts to consider a community impact statement, made by a person on a community's behalf, describing the harm done to, or losses suffered by, the community when imposing a sentence on an offender found guilty of fraud. The statement would have to be in writing, identify the community, clarify that the person can speak on behalf of the community, and be shared with the Crown and the defence.

A community impact statement will allow a community to express publicly the impact the crime has had on the community. It would also make both the court and the offender directly aware of the loss or harm that has been suffered as a result of the fraud.

Community impact statements will provide an opportunity to help the community begin a rebuilding and healing process by being able to describe the impact of a crime on them. Community impact statements may also help offenders better understand the consequences of their actions, thus improving their chances for rehabilitation.

Case law has demonstrated that victim impact statements serve three purposes: to provide sentencing judges with information on the impact of the offence; to educate the offender on the consequences of his actions with some rehabilitative effect; and to provide a sense of catharsis for victims.

The provisions in this bill, which would create a community impact statement provision for fraud offences, share these three purposes.

Honourable senators, I think we would all recognize that communities and not just individuals can be impacted by crime. The proposals in this bill will make that recognition clearer in the law.

The proposed restitution amendments and the proposed amendments pertaining to the use of community impact statements, are aimed at bringing the perspective of victims of fraud into the sentencing process in a more comprehensive and effective way.

In doing so, it is our hope that these proposals will improve victims' experiences with the criminal justice system.

This bill represents a big step forward toward improving the current criminal justice response to serious fraud.

By creating a mandatory minimum sentence for fraud over \$1 million, adding aggravating factors for sentencing, introducing a prohibition order as part of a sentence, and requiring mandatory consideration of restitution for victims, this bill represents a complete package of reforms to reflect the serious impact of fraud offences on communities and individuals.

This bill offers senators an opportunity to show their unequivocal support for victims of fraud. I believe that enhancing sentencing for fraud is a priority issue for all honourable senators.

Honourable senators, in my opinion, a theft committed using a pen is at least as serious as one committed at knife point, if not worse. People who commit such crimes must be severely punished. I therefore urge you to support this bill and refer it to committee for study.

Hon. Pierre Claude Nolin: Honourable senators, if Senator Carignan would accept a few questions, I would like him to help me reflect a little more on the government's objective with the notion of imposing, once again, a minimum sentence of two years. What is the goal here?

Senator Carignan: We really need to meet the victims of this type of fraud, who have lost their hard-earned retirement savings. Many people who do not have pensions gave contributions and trusted individuals who presented themselves as trustworthy, who had a license to make investments and who embezzled money for their own use, and who embezzled all of that money. I firmly believe that society and the people who are considering committing crimes should be aware that the government considers this to be a serious crime. By creating a minimum

penalty of two years, it would mean that offenders would have to serve their sentences in a federal penitentiary, which is a clear signal that the community does not approve of this type of behaviour. This sentence would prevent reoffending and also sends the message to others who might be tempted to commit a crime that the consequences they would suffer are serious and that the impact they have on the victims is just as disastrous.

• (1520)

Senator Nolin: In the Norbourg case, Judge Wagner said, and I am paraphrasing, that if the maximum penalty in the Criminal Code had been higher than 14 years, he would have given a sentence of more than 14 years.

So why impose a minimum penalty in the bill? Why not increase the 14-year maximum penalty?

Senator Carignan: The Norbourg affair that you mentioned was a particularly appalling case. The 14-year penalty was determined to be sufficiently severe. The case we are talking about here has to do with crimes of over \$1 million, so not necessarily highly publicized cases like the Norbourg affair. We believe that by setting the minimum penalty at two years, that sends a message to the judge that an appropriate sentence should be between two and fourteen years.

The government is working to try to avoid another situation like the Norbourg case, in which the individual found guilty served one-sixth of his sentence and was released into society. It has been in the media and in the public domain. The government is trying to avoid having a situation like that happen again. But that will surely come through another legislative measure, another bill.

Senator Nolin: When you studied the bill — I presume that the department studied it and provided you with the results — can you tell us if you discovered that the courts have often imposed sentences of less than two years on individuals found guilty of fraud, under section 380, where the value of the fraud was \$1 million or more? Has it ever happened in Canada that the courts have imposed a sentence of less than two years? If yes, I would like the details.

Senator Carignan: I do not have the statistics with me. That is one of the reasons why I am asking honourable senators to send the bill to the Legal and Constitutional Affairs Committee.

We all acknowledge the expertise and the very serious nature of this committee, which would request and have access to all the data, from Statistics Canada in particular.

Even though it may cover only a few situations, this bill is more important than that. Even if it only sends a message to the victims, in some situations, that they have the right to be compensated and that the community, the government, the House of Commons and the Senate consider that the consequences of losing their hard-earned savings are serious, I believe that this message of confidence in the justice system, and not just the number of cases affected, deserves our consideration.

Senator Nolin: I understand that, you are undertaking, on behalf of the Department of Justice, not just to provide statistics on any and all of these proceedings, when the bill comes before the legal affairs committee, but to provide details on these proceedings. It is important to be able to refer to the individuals and cases that led you to argue for this sentence.

Senator Carignan: I will make that commitment personally rather than for the minister.

Senator Nolin: You are here in your role as the sponsor of the bill. You are the minister's right- or left-winger. That is why the commitment I am asking you to make should be made on behalf of your team's captain, the Minister of Justice.

Senator Carignan: I would say I am the minister's goalie, but I promise to produce these statistics.

Hon. Pierrette Ringuette: Honourable senators, I could not help but pay attention to Senator Carignan's speech when he began to speak about the pension fund victims, people who took solace in the idea that their financial future was secure in a pension fund. As you said, you are the justice minister's goalie on this bill.

And again in your speech, you said that victims need to know that they have the right to damages for their lost pension funds. You said that they have lost their hard-earned savings.

I heard your comments on this bill and saw what happened a few weeks ago in this chamber when we voted on disabled victims of pension fund investment loss. You, Senator Carignan, you stood and said no to damages for pension fund investment losses, for disabled people, no less! Given all this, I am trying to understand where you stand in terms of Canadians' investments in pension funds.

Senator Carignan: I imagine that your question refers to Bill C-21, which would amend the Criminal Code sentencing for fraud. We are looking at amendments that affect the Criminal Code for criminal offences. In the case you are referring to, there were no criminal charges brought against anyone. If that had been the case, which I do not think it was, the victims would have benefited greatly from Bill C-21.

(On motion of Senator Tardif, debate adjourned.)

THE ESTIMATES, 2010-11

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (C)

Hon. Gerald J. Comeau (Deputy Leader of the Government) pursuant to notice of February 8, 2011 moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in Supplementary Estimates (C) for the fiscal year ending March 31, 2011.

(Motion agreed to.)

• (1530)

[English]

SUPREME COURT ACT

BILL TO AMEND—SECOND READING— POINT OF ORDER—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Rivest, for the second reading of Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages).

Hon. Anne C. Cools: Honourable senators, I rise on a point of order, not on the substance or the merits of the question.

First, I wish to thank the sponsor of this bill, Bill C-232, the Deputy Leader of the Opposition, Senator Claudette Tardif, for her efforts on this bill. I believe that the Senate is enriched by her work on language, and minority rights.

Private member's bill, Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages), is out of order because it does not conform to the settled law of Parliament and its parent power, the law of the prerogative, which hold that bills that affect Her Majesty's Royal Prerogative require Her Majesty's Royal Consent in her capacity as the head of Parliament and the enacting power in our Constitution.

Honourable senators, Bill C-232's single purpose is to amend the sovereign's, the Queen's, Royal Prerogative to appoint judges to the Supreme Court of Canada. This purpose places this bill in that class of bills that require the Royal Consent, that ancient parliamentary process to obtain the Queen's agreement for either house to debate or consider any bill that affects Her Majesty's sovereign and absolute interests.

The Royal Consent is no mere formality, nor is it a relic from other times. It is absolutely necessary, and has been prescribed by ancient parliamentary practice and usage. In Canada it is granted by Her Majesty's representative, the Governor General, His Excellency David Johnston, and embodies Parliament's and the Constitution's deference to the sovereign Queen as their head and the sole representative of all the people of Canada. This consent does not mean agreement to the merits or the substance of the bill, merely that the houses may debate on it.

Honourable senators, this bill is solely concerned with Her Majesty's prerogative law as the fountain of justice, the *fons justitiae*, that piece of prerogative law by which Her Majesty, in the person of our Governor General, by the instrument of letters patent under the Great Seal of Canada, constitutes and commissions Canadian persons as judges of the Supreme Court of Canada to serve during good behaviour, for life.

Honourable senators, the legalist Henry Lord Brougham, once a Lord Chancellor, said that the sovereign Queen:

... has the absolute power of appointing all the Judges, ...

This quote is in his 1861 book, *The British Constitution: Its History, Structure, and Working*, at page 272.

The appointment, the constituting of judges, is a high and absolute prerogative power. Bill C-232's single purpose is to interfere with this prerogative power, this constituting power, by which Her Majesty the Queen, the chief magistrate, transforms certain Canadian persons into judges; that is, royally uplifted persons who have been royally vested and endowed with the high powers, privileges and immunities, to hold court, to try causes and to pronounce judgments. This appointment was called "raised to the bench."

The constituting of superior court judges is a royal matter of some gravity. Bills that seek to amend that royal power need royal attention and royal agreement even to be debated in Her Majesty's Senate and House of Commons.

Honourable senators, this bill's primary object remains undeclared. This type of bill is rarely used. Now condemned and unused, these bills were known as bills of disability. Bill C-232 is a bill of disability whose unspoken goal is to disable a specific class of Canadian citizens of their legal rights that are normally enjoyed by them. The 1981 *Compact Edition of the Oxford English Dictionary* defines "legal disability" as, at page 737:

Incapacity in the eye of the law, or created by the law; a restriction framed to prevent any person or class of persons from sharing in duties or privileges which would otherwise be open to them; legal disqualification.

This bill proposes to disable a defined class of persons, which is all Canada's unilingual lawyers and judges, by far the majority, from appointment as Supreme Court judges. This bill asks Her Majesty to perform a novel act, and to enact a statute of disability, a doubtful policy of dubious morality and dubious legality. This bill has no precedent. These novelties alone render the Royal Consent imperative and urgent to this debate's continuation.

Honourable senators, the mischief grows like Topsy. Its other unspoken goal is to amend sections IV and VIII of the 1947 Letters Patent given under the hand of King George VI. Section IV is the source of the Governor General's power to appoint judges. The bill's drafters seem not to understand that the office of the Governor General and the prerogative law are constituted, not by the *British North America Act, 1867*, but by the royal, absolute and sovereign instrument of Letters Patent, which antedates the 1867 Act and cannot be amended by any bill. It is beyond amendment by any bill here.

Section IV states:

And We do further authorize and empower Our Governor General to constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, . . .

This bill also amends Section VIII, the power to constitute the administrator, who is the person who acts in the absence or illness of the Governor General.

Honourable senators, Bill C-232 is an alien and invasive creature. It violates the substance and the design of our law of Parliament, and disturbs the balance, equilibrium and comity between its three constituent parts: the Queen, the Senate and the Commons. This bill asks this Senate to trench and to usurp, to take over the exercise of the Royal Prerogative, a purely executive act — not an administrative act, a purely executive act.

Executive functions are no part of the privileges, powers and immunities of senators or members of Parliament, received from the United Kingdom and granted to us by the BNA Act, section 18. Senators have no power to even debate, far less to adopt, Bill C-232 without the Royal Consent. This bill is out of order.

Honourable senators, I shall cite the precedents that bear materially on this bill. John George Bourinot wrote about the Royal Consent. In his 1916 book, *Parliamentary Procedure and Practice in the Dominion of Canada*, he said at page 413:

. . . the consent may be given at any stage before final passage, and is always necessary in matters involving the rights of the Crown, its patronage, its property, or its prerogatives. This consent of the Crown may be given either by a special message, or by a verbal statement from a minister — the last being the usual procedure in such cases.

The Royal Consent to bills is the Governor General's royal grant of power to either house, delivered there by a special message, or by a verbal statement from a minister. It represents his considered decision, founded on the advice given to him by his Crown ministers under ministerial responsibility. Ministerial advice is pre-eminent.

Recently, there have been two compelling cases in the Senate. Two Royal Consents were intimated here by two ministers, both of whom were Privy Councillors and Senate government leaders.

Honourable senators, on October 4, 2001, Senate government leader, minister, Senator Sharon Carstairs, P.C., one of the truly great women of Canada, gave the Royal Consent for her government's Royal Assent Bill S-34. She did this correctly as she began second reading debate. She said, at page 1379 of the *Debates of the Senate*:

I have the honour to advise this House that:

Her Excellency the Governor General has been informed of the purport of this bill and has given consent, to the degree to which it may affect the prerogatives of Her Majesty, to the consideration by Parliament of a Bill entitled "An Act respecting royal assent to bills passed by the Houses of Parliament."

• (1540)

Senator Carstairs acted in accord with the settled law of Parliament and ministerial responsibility. This case showed the legal role of ministerial advice. Remember, honourable senators, this bill had been moved by the opposition leader, Senator John Lynch-Staunton, who, by agreement with the government, withdrew his bill to allow Senator Carstairs to introduce it, corrected, as a government bill, Bill S-34.

The other case was on June 29, 2000. Senate government leader, minister, Senator Bernard Boudreau, P.C., intimated the Royal Consent for the consideration of the government's clarity bill, Bill C-20, saying that Her Excellency was pleased, in the Queen's name, to give consent to the degree that it may affect the prerogatives of Her Majesty. These two Senate precedents leave no doubt.

Honourable senators, Alpheus Todd, John George Bourinot, and Arthur Beauchesne recorded the authorities on the need for the Royal Consent to bills, and on the sad fate of bills that are refused it. John George Bourinot wrote, at page 414:

If the introducer of a bill finds, from statements of a minister, that the royal assent will be withheld, he has no other alternative open to him except to withdraw the measure.

Among the many U.K. refusals, Bourinot recorded a famous Canadian refusal of Royal Consent when our House of Commons Speaker, in 1879, withdrew a bill moved by private member MacDonnell, because the premier informed that the Royal Consent would be refused. Bourinot wrote, at page 415:

The premier having stated that he was not prepared to give the consent of the Crown to the bill, the mover was compelled to withdraw it.

Honourable senators, that premier was Prime Minister Sir John A. Macdonald. Commons Debates April 28, 1879, reads, at page 1579:

Sir JOHN A. MACDONALD said this Bill affected the Royal prerogative, and the assent of the Crown must be given to it. He was not prepared to give that assent . . . and, as the assent of the Crown had not been given to the Bill, it could not be proceeded with.

Commons Journals that day reads, at page 322:

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Honourable senators, I note that Senate Speaker Dan Hays was unaware of this when he ruled, on October 25, 2001, insisting:

There is no known example in Canada of consent being refused. This raises the issue of whether a convention may have evolved here that consent will be granted, making the request for it a formality.

Perhaps His Honour, Senator Kinsella, should take a fresh and probing look at previous speakers' rulings on the Royal Consent.

Honourable senators, Alpheus Todd wrote about the seminal private member's precedent — remember, honourable senators, there is a difference between government members operating under ministerial responsibility, government, ministers and private members — laid down by the great Liberal parliamentary authority William Ewart Gladstone, while opposition leader in the U.K. Commons.

Honourable senators, you must know how these individuals influenced my life and how much I read about these men.

In his 1869 *Parliamentary Government in England*, volume II, Alpheus Todd wrote, at page 298:

This intimation should be given before the committal of the Bill. But where a measure of this description is initiated by a private member, and not upon the responsibility of ministers, the House ought to address the crown for leave to proceed thereon, before the introduction of the Bill . . .

John George Bourinot said the same at pages 413 and 414, which is repeated in Beauchesne in paragraph 728, at page 213. Beauchesne is a repetition of Bourinot.

Honourable senators, I shall read the words of William Gladstone, whose work influenced my life. One must know the influence of British Liberalism in the British Caribbean.

On May 7, 1868, moving his address for Queen Victoria's Royal Consent, for his private member's bill, he said:

. . . I have felt . . . that it was my duty . . . to ask the House to present an Address requesting the Assent of the Crown, and allowing us to deliberate upon this subject before any Motion be made in the House for the introduction of the Bill.

Honourable senators, I shall quote one of the greats, Lord Lansdowne, a former Governor General of Canada and a great authority who, from the House of Lords opposition benches, laid down a germane precedent. On March 30, 1911, relying on Mr. Gladstone, Lord Lansdowne moved an address for His Majesty's Consent. In his stunning summary of the law and precedents on the position of an opposition member and the Royal Consent, he said:

. . . it is certainly a breach of the law of Parliament to pass through either House a Bill affecting the Prerogative of the Crown without the assent of the Crown. I do not think any one will dispute that. We also conclude from these precedents that, although this assent may be signified at any stage, it is the proper course to obtain it before the introduction of the Bill. But we draw this further conclusion in reference to cases where the Bill is introduced, or is sought to be introduced, not by the Government, but by the Opposition.

He explained:

The case of the introduction of such a Bill by the Opposition is clearly a different case from the introduction of a similar Bill by the Government, because it is perfectly fair to assume that if the Government makes itself responsible for the Bill it can at any moment count upon the assent of the Crown.

He added:

That, of course, is not true when the Bill is moved from the Opposition side of the House, and it certainly does not seem fair and reasonable that, in such a case, a Bill should not only be introduced, but, perhaps, carried through several stages and laboriously debated under conditions

which would expose the movers of the Bill to find themselves estopped by the Government, who would only have to signify, at whatever moment might seem fit to them, that the Royal Assent was not likely to be forthcoming.

Honourable senators, Bill C-232 is in its final stages. It came from the other place. About this, Speaker Lucien Lamoureux — and I have been quoting the original precedents, not what others have written, but the originals — while ruling in the other place on April 25, 1966, cited John George Bourinot and cautioned, at page 434 Journals:

... a bill may be permitted to proceed to the very last stage without receiving the consent of the Crown but if it is not given at the last stage, the Speaker will refuse to put the question.

This is the Speaker of the House of Commons speaking about the last stages in the House of Commons.

Honourable senators, to muse why the Speaker in the other place did not refuse to put the question there, or why the Royal Consent was not sought there, is moot. The bill is before us now, and it is still a private members' bill moved from the opposition. For probity, order and regularity in our proceedings, it is now imperative that the Senate receive some indication of Senator Tardif's intentions to move an address to the Governor General praying for the Royal Consent. I had thought that Senator Tardif's delay was for some good reason such as discussions with the government, as in the case of Senator Lynch-Staunton. However, Senator Tardif's recent actions in the Senate suggest that she wishes us to carry this bill through all its stages without Royal Consent. That is the reason, honourable senators, that I have raised this point of order. I have been waiting for this indication. I have concern that without Royal Consent, His Honour will soon find himself in the calamitous position where he must refuse to put the question. I do not know whether honourable senators know what this means, but it is an extremely serious matter.

• (1550)

Honourable senators, paragraph 726.(2) of *Beauchesne's Parliamentary Rules & Forms* states at page 213:

... omission, when it is required, renders the proceedings on the passage of a bill null and void.

If this bill were adopted without it, it will undoubtedly face such a motion as have many other bills that have proceeded without it. I therefore ask the Speaker of the Senate to rule and to follow Speaker Lamoureux's ruling that:

... it is ... the duty of the Speaker to determine whether this Bill interferes with the Queen's prerogatives and to see that the proper procedure be followed.

What I am asking Your Honour to rule on is clear: Does this bill touch the Royal Prerogative and, if it does, are the proper procedures being followed?

Once again, I thank Senator Tardif for her hard work. I am aware that time is ticking.

I thank honourable senators for listening and for their attention. Understand that a few hundred years of development have gone into these rules and practices and for good reason. They are substantial and important to all of our processes. This bill in respect of the appointment of judges is solely about the Royal Prerogative — the *Lex Prerogativa*. It is about nothing else, and such a bill requires Royal Consent. In addition, it is our right and privilege to be informed by the mover of the bill as to her intentions in respect of acquiring or obtaining that Royal Consent. I thank honourable senators.

The Hon. the Speaker: Honourable senators, Senator Cools did allude to time. As I am always guided by that great Roman inscription, *tempora, tempore, tempera*, we cannot allow time or the absence of it to interfere with good process or good judgment.

Honourable senators, it is a house order that we rise at 4 o'clock. As Speaker, I would like to hear as much on this matter as possible so if honourable senators are agreed, I suggest that the house rise at 4 o'clock and resume this item when Orders of the Day are called tomorrow. I do not want honourable senators to feel constrained by time. Some time remains before the house rises today.

Hon. Joan Fraser: Honourable senators, I would like to pay tribute to Senator Cools, who is one of our unfailing and unflinching guardians of this institution. I do not think any honourable senators listen to her learned, heavily researched interventions on these matters without profit.

Like Senator Cools, I am something of a royalist. I grew up in a part of the world not far from the place where she grew up. We had a profound sense of the importance of our rights and liberties under the institution of the monarchy and all of its rights and privileges. However, in this case, I am not sure for a number of reasons that Senator Cools is correct.

Honourable senators, at the outset, Senator Cools seemed to suggest that the adoption of this bill would be a novel procedure in that legislation having the effect of disqualifying classes of persons from particular high positions in Canada is beyond our purview. I would suggest to honourable senators that perhaps that is not the case. We have in legislation many rules that the Parliament of Canada has adopted about qualifications for various high positions. Frequently, the higher the position, the more stringent the qualifications set out in legislation. In the precise case of judges, we are quite picky about them; and justly and rightly so. We require that judges be lawyers. We require, among other things, that like senators they retire at the age of 75, which disqualifies a large number of extremely qualified persons. We require by law in the case of judges who are not members of the Supreme Court that the court be capable of hearing and understanding proceedings in both official languages without the aid of an interpreter. In other words, we require that a significant number of judges of the lower courts be able to do that, which, by extension, disqualifies a large number of Canadians, even if they are lawyers and under the age of 75, from filling those positions. The same is true for many positions determined by the Parliament of Canada. Therefore, on that ground, I would argue with all the respect that I truly hold for Senator Cools on these matters that her argument, although thought provoking in many ways, does not hold in this case.

Honourable senators, then there is the matter of Royal Consent. On this, I thank His Honour for indicating that this debate should continue tomorrow. Although Senator Cools carries a great deal of this in her brain, I suspect she spent a great deal of time researching the authorities to ensure that her quotations and citations were letter perfect. Surely many honourable senators wish to do the same before continuing this debate.

However, I would repeat the point that Senator Cools acknowledged. If Royal Consent were necessary in this instance, it has been well established and confirmed in Speakers' rulings, as His Honour knows better than the rest of honourable senators, and I quote citation 727 at page 213 of Beauschene's Sixth Edition, that:

... a bill may be permitted to proceed to the very last stage without receiving the consent of the Crown ...

As honourable senators are aware, this bill is a long way from the last stage. This place is having a dickens of a time trying to get it through second reading, let alone committee study and third reading. While the point of order is theoretically interesting, it would not be applicable at this time. Whatever might be the question for Royal Consent is not a block at this stage of the bill to the proceedings of this chamber. I would argue that it is not a

block at all in this case and that the prerogative of the sovereign is not affected in any way by a decision of Parliament that judges of the Supreme Court should have extra qualifications beyond those existing in law. I have not had the benefit of Senator Cools in establishing what may or may not have been said in past parliamentary debates. Sir John A. Macdonald is not my bedside reading, I confess.

Some Hon. Senators: Shame.

Senator Fraser: Well, at times perhaps. A British subject I was born; a British subject I will die. Great man though he was, I have neither his parliamentary references immediately at hand nor those of Sir Wilfrid Laurier and others responsible for bringing before Parliament their views on the proper constitution of the judiciary.

Oh, dear, has my time expired?

The Hon. the Speaker: Honourable senators, at the end of Orders of the Day, I will recognize Senator Fraser on the point of order.

(The Senate adjourned until Thursday, February 10, 2011, at 1:30 p.m.)

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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, February 10, 2011

The Senate met at 1:30 p.m., the Speaker in the chair.

• (1340)

Prayers.

SENATORS' STATEMENTS

THE LUNAR NEW YEAR

Hon. Joseph A. Day: Honourable senators, I rise today to discuss the Lunar New Year and its significance in Canada. While the Lunar New Year is often referred to as the Chinese New Year, there are, in fact, many other countries and regions that celebrate the Lunar New Year at this time.

This year, the Lunar New Year fell on February 3. In our Gregorian calendar, the Lunar New Year may fall anywhere between January 21 and February 20, as determined by the arrival of the second new moon after the winter solstice.

The lunar calendar is based on the cycles of the moon, which repeat themselves every 12 years, honourable senators, and a system of animal signs to date the years. The lunar calendar represents a cyclical concept of time and life, which contrasts with our Western linear concept, an interesting difference that may explain our different ways of looking at matters.

China, Korea, Vietnam, Mongolia and other Eastern countries all celebrate the Lunar New Year on the same date. Combined, citizens descended from these groups account for nearly 2 million Canadians.

Honourable senators, I believe it is important to be aware that many Canadians, as well as others around the world, are celebrating what is an important event to them. Collectively, these Canadians have helped to make Canada the diverse and culturally rich country that it is.

Although the Western calendar has been adopted in many of these countries since the early 1900s, the lunar calendar events are still celebrated, and particularly the Lunar New Year.

Honourable senators, imagine the bridge that these Canadians can help Canada make with the countries of their ancestors. Chinese-Canadians alone account for nearly 1.3 million of our population, around 3.9 per cent of the entire Canadian population. The third most frequently spoken language in Canada, behind English and French, is Chinese.

Honourable senators, 2010 was an important year for Canada-China relations. It marked the fortieth anniversary of diplomatic relations between our countries.

The Lunar New Year is the Year of the Rabbit. The Year of the Rabbit is said to be a year to slow down and relax. It is a year to negotiate and not use force to resolve issues.

Honourable senators, given the issues facing this country, this seems to be a wise path for this place to follow. It is important for us to work cooperatively in our challenges, to perform our work here in the best interests of the people and the regions we represent, and to deal with the issues calmly and logically.

Honourable senators, this evening, at 6:30 p.m., the Canada-China Legislative Association will co-host a Chinese New Year's celebration, along with the Ottawa Chinese-Canadian Heritage Centre. The event takes place at the Government Conference Centre, across from the Château Laurier Hotel, and I hope many honourable senators will be able to attend this important function for the Lunar New Year.

[Translation]

INTERNATIONAL DAY AGAINST THE USE OF CHILD SOLDIERS

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to draw your attention to an extremely disgraceful side of humanity.

[English]

Honourable senators, I rise today to inform the chamber that February 12, this Saturday, is the International Day against the Use of Child Soldiers. It commemorates the day on which the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict entered into force as international law. Canada ratified the optional protocol in 2000 and has been joined, to date, by 138 other countries in a commitment to protect children from armed conflict and its impact. Canada has not, however, put that into legislation.

Today we recognize the hundreds of thousands of children, of whom 40 per cent are girls, who have been killed, maimed, raped, drugged and otherwise abused, and forced to do the same to their families and communities while under the direction of adult combatants.

Soldiering is not a noble career option for nine-year-olds, barely taller than the gun she or he can even carry. This day exists for a reason. The task is not yet complete. Children continue to be recruited and used as soldiers. They continue to be exploited by adults, despite the prohibition that exists in international law.

Currently, Côte d'Ivoire is recruiting former child soldiers from Sierra Leone and Liberia to sustain that friction and potential catastrophe-in-the-making. They continue to be used despite the obligation of governments to protect children from involvement in and the effects of armed conflict.

Honourable senators, we know that children do not save their weekly allowance to pay for flights to far-off places to fight wars. Generally speaking, children do not save their earnings, made at their part-time jobs after school, to buy AK-47s. The funding still comes primarily from blood diamonds and Canada's weak support of the Kimberley Process is not abating that source.

If you buy a diamond, I must insist that you buy a Canadian diamond.

Some Hon. Senators: Hear, hear!

Senator Dallaire: They are clean. They are ethical. They are like the oil exercise that is being used in this country.

Children do not start wars. They are intentionally used as weapons of wars. Their involvement in armed conflict is not their violation against international law. The violation has been committed against them by adults.

[Translation]

There was a time when Canada was on the forefront of developing an international framework to protect children's rights. But we have regressed and for too long we have even abandoned one of our own, despite the international laws to which Canada subscribes. A former Canadian child soldier continues to languish at Guantanamo Bay. On this important day, we have the duty to humbly acknowledge Canada's position on the world stage and to make good on the commitment we have made to children.

[English]

The use of child soldiers is a crime against humanity. Adults hire, recruit and abuse child soldiers. Blood diamonds sustain these crimes. Buy Canadian diamonds.

THE HONOURABLE DOUGLAS JAMES ROCHE, O.C.

Hon. Tommy Banks: Honourable senators, I want to say a few words today about the Honourable Doug Roche. I first met Doug in the late 1960s when he came to Edmonton to be the editor of the *Western Catholic Reporter*. After a successful tenure at that newspaper, he entered politics and was elected to the House of Commons to represent one of Edmonton's constituencies as a Progressive Conservative. He served there with distinction and then was called to the Senate, where he also served with distinction.

I wish all honourable senators had a chance — as some of us were lucky enough to — to know Doug Roche in his work here. He was the conscience of this place in matters such as those that Senator Dallaire has just talked about, and many other things. When it came to peace and disarmament, it was Doug Roche who kept us from going off-track and kept us on the straight and narrow.

Peace and disarmament, in fact, became Doug Roche's vocation. For over 40 years at the United Nations, he worked tirelessly for peace and disarmament. He was Canada's

Ambassador for Disarmament to the United Nations. In 1988, he was elected chair of the United Nations' Disarmament Commission. His twentieth book on the subject is due out soon.

Honourable senators, the International Peace Bureau was established in 1890. In 1910, that organization won the Nobel Peace Prize. In the early years of the last century, many members of the International Peace Bureau were also recipients of the Nobel Peace Prize.

Doug currently lives in Edmonton with his wife Pat, where he has raised five wonderful kids and has three grandchildren. Last Wednesday, Doug learned that the International Peace Bureau has nominated him for the Nobel Peace Prize. I know you will all join me in congratulating him.

Hon. Senators: Hear, hear!

THE LATE BRIGADIER-GENERAL EDWARD A.C. "NED" AMY

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to the late Brigadier-General Edward Alfred Charles "Ned" Amy, who passed away on February 2, 2011, at Camp Hill Veterans' Memorial Building in Halifax, Nova Scotia.

Born in Newcastle, New Brunswick, on March 28, 1918, Ned graduated from the Royal Military College in Kingston, Ontario, in 1939. During World War II, he was a feisty, fearless tank commander. Ned participated with distinction as an officer in three Canadian armoured regiments — the Ontario Regiment, the King's Own Calgary Regiment and the Grenadier Guards — the 22nd Canadian Armoured Regiment — in the Allied invasions and liberations of Sicily, Italy, and the Normandy to Germany campaign.

With the end of World War II, Ned commanded the Royal Canadian Armoured Corps School, the Royal Canadian Dragoons, the 1st Canadian Contingent to the United Nations Peacekeeping Force in Cyprus, the 1st Canadian Infantry Brigade Group in Calgary, and the 4th Canadian Mechanized Brigade Group in Germany. He served as the 1st General Staff Officer to the Commonwealth Division in Korea, and as a staff officer to both SHAPE and NATO headquarters.

At Canadian Forces headquarters in Ottawa, he served as Director of Armour, Director of Operational Support Requirements, and as Director-General of Land Forces Operations.

Upon his retirement in 1972, Ned marshalled his talents with immeasurable energy into volunteer service. He was President of the Royal United Services Institute of Nova Scotia, President of the Army Cadet League of Nova Scotia, member of the Citadel Hill Army Museum board of governors, Honorary Colonel of the Royal Canadian Dragoons, and Colonel Commandant of the Royal Canadian Armoured Corps.

He was a founder and active participant in the "Ko Canadian Unity Group," a gathering of concerned retired Canadian Forces personnel who, since 1995, have met regularly at Ko's Restaurant in Bridgewater, Nova Scotia.

Perhaps his most beloved volunteerism was that as one of the Friends of the Halifax Rifles. He led us in that campaign which achieved victory on September 5, 2008, with the reactivation of that historic regiment as an army reserve unit.

Ned was one of Canada's three most-decorated soldiers. Ned proudly wore the Distinguished Service Order, the Order of the British Empire, the Military Cross, the Canadian Decoration, the Bronze Star of the United States of America and the Cross of Chevalier of the Legion d'honneur of France. On November 14, 2007, I spoke in this chamber about Ned's battle heroics.

• (1350)

Predeceased by his loving wife, Jean, we express our heartfelt sympathy to Ned's sons, Robert and Michael, and other members of his family. He will be interred in the cemetery at Indian Point, Lunenburg County, Nova Scotia, overlooking his beloved Mahone Bay.

Canada has lost a very special son. I am honoured to have been his friend. We shall remember him.

[Translation]

ROUTINE PROCEEDINGS

GIOVANNI CABOTO DAY BILL

FIRST READING

Hon. Consiglio Di Nino introduced Bill S-228, An Act respecting Giovanni Caboto Day.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Di Nino, bill placed on the Orders of the Day for second reading two days hence.)

[English]

CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-389, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity and gender expression).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading, two days hence.)

[Senator Moore]

[Translation]

FIFTH ANNIVERSARY OF CURRENT GOVERNMENT

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to issues related to the 5th anniversary of the Government.

CLIMATE CHANGE IN CANADA

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the current state of climate change policy in Canada.

QUESTION PERIOD

FOREIGN AFFAIRS

COST RECOVERY OF TRAVEL TO AFGHANISTAN FOR FAMILIES OF FALLEN SOLDIERS

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. In Afghanistan today, 14 family members of nine soldiers killed in combat are visiting Kandahar. Families find it very moving to be able to visit the place where their loved ones spent their final days.

Since 1997, it has been the policy of the Canadian Forces to repatriate the bodies of soldiers killed overseas. The soldiers' bodies are brought home, but the families' attachment to the battle sites is also very important. It was announced today that next month will be the last opportunity for relatives to travel to the area to remember those who have made the ultimate sacrifice.

Can the Leader of the Government confirm that all families who have lost loved ones in action will have the opportunity to decide whether or not they would like to go to Kandahar to take part in such a memorial for their loved ones?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Dallaire for his question. I have not heard what the honourable senator has just reported to this chamber. I am aware of the long-standing National Defence policy that permits Canadian military families to go over to Afghanistan. I realize that we are leaving Kandahar in a few scant months, but I will seek information, honourable senators, and respond to Senator Dallaire's question when I have an answer.

Senator Dallaire: Honourable senators, we still have troops in the field, still in combat, still in war, and most of them from the garrison near where I live in Quebec City. I raise this concern because of a media announcement by the Vice-Chief of the Defence Staff, who is the resource manager for the Department of National Defence. The announcement indicated that a series of benefits and supports available to the troops and their families have been put on hold. The benefits and supports have been stopped because of an internal paperwork problem and they have not sought authority from the central agencies, such as Treasury Board Secretariat.

Honourable senators, if this was a matter that occurred just last week, one could say that someone messed up in getting a signature. Apparently, however, this has been going on for five years.

Honourable senators, are the civilian bean counters who are responsible for the financial dimension of National Defence now starting to take control? As we have troops in the field, will they start cutting into benefits that those troops need in order to sustain their commitment and the commitment of their families to such a significant job as fighting our wars?

Senator LeBreton: As the honourable senator mentioned, that administrative issue has reached the public's attention. The minister is addressing this issue. It will be fixed as soon as possible, and soldiers and their grieving families will not be affected. All previously covered travel for grieving families will be paid. With respect to all other benefits, no money will be recovered from Canadian Forces members during this period of review.

Senator Dallaire: The Department of National Defence employs a method wherein when a soldier has been overpaid, the finance people simply cut the pay and absorb it in one transaction. In some situations, soldiers have found that they will not receive their pay because the finance people have clawed back the discrepancy. There is a terrible history of such actions in the past.

I am seeking from the Leader of the Government in the Senate a guarantee that this government will not retroactively obtain funds from the troops, their families or the programs that have been used to support them in the field.

Honourable senators, imagine that we are having this discussion while we still have troops in the field. It is bad enough that they have to worry about the enemy in front of them, but imagine having to keep an eye out from behind because of uncertainty of what is going on back home for support. Can the leader provide us with that guarantee?

• (1400)

Senator LeBreton: Honourable senators, Senator Dallaire is repeating the CBC's interpretation of the situation.

I have answered the senator's question. This is an administrative issue and as the honourable senator just pointed out, there have been incidents in the past.

I will only commit to what I said to the honourable senator earlier in response to his first question, which is to get as much information as possible. However, I did say that with respect to

the benefits, no money will be recovered from Canadian Forces members during this period of review.

Hon. Grant Mitchell: Honourable senators, it was quite striking to see that the admiral would make an announcement of that nature, severing benefits without having any solution, the kind of solution that the Leader of the Government has mentioned today. Imagine — and I think we cannot — the message sent to families and the military in the field right now.

Honourable senators, what is wrong in that department, that the admiral would not think that he could settle this problem with the minister before an announcement was made announcing the problem and the solution? Is the relationship so bad in that department that the admiral simply did not feel he could go to his political leader to solve it?

Senator LeBreton: I will not get into hypotheses, honourable senators. Obviously, I sympathize with the families that are involved in this issue. I have already answered the question in response to Senator Dallaire.

SEARCH AND RESCUE

Hon. Terry M. Mercer: Honourable senators, on February 1, the House of Commons Standing Committee on National Defence was in Newfoundland hearing testimony on search and rescue response times.

Cheryl Gallant, the Conservative Member of Parliament for Renfrew—Nipissing—Pembroke made some odd comments during that hearing. Here are a couple of her strange comments from the transcript:

In Ontario, we have inland seas, the Great Lakes, and it would never occur to any of us, even up in the Ottawa River, to count on the coast guard to come and help us.

Ms. Gallant went on to say:

We have our province that actually has its resources deployed, and not at the same time; it might be one part of a river, or one lake, or another river on a given weekend. But we pool all our resources. Even the municipalities put boats out, so that it's a community effort.

Ms. Gallant continued:

I know that it would be ideal to have the federal government be there in the 30-minute response time 24 hours a day, but in practicality, we do have to pool our resources.

It seems that the Conservative Party's new policy, when it comes to the safety of Atlantic Canadians, should be the fend-for-yourself approach, when it is clear that the federal government has responsibility to perform search and rescue in the North Atlantic.

Honourable senators, there is a great deal of difference between the North Atlantic and the Ottawa River. It appears dangerous for Newfoundlanders and Labradorians to vote for the Conservative Party.

Would the leader kindly tell us whether the Conservative government is pleased with this new approach to search and rescue?

The Hon. the Speaker: Order. Honourable senators, I have to draw your attention to rule 46 of the *Rules of the Senate of Canada*, which provides that it is quite proper to quote from a minister who has spoken in the other place. However, honourable senators, the rule, as I read it, proscribes the quoting of a member who is not a minister in the other place. Although one may summarize, one may not quote. I want to make clear what our rule 46 provides.

Senator Mercer: I thank His Honour for that clarification; however, had His Honour been paying closer attention, he would have heard that I was not quoting from what the member of Parliament for Renfrew—Nipissing—Pembroke said in the other place. I was quoting from comments Ms. Gallant made at a committee hearing in Newfoundland and Labrador.

Honourable senators, it appears that it is dangerous for Newfoundlanders and Labradorians to put any faith in this government.

Would the leader kindly tell us whether the Conservative government agrees with this new approach to search and rescue in the North Atlantic?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator. The member of Parliament in question was not speaking for the government. Ms. Gallant has apologized for her remarks, not only to her colleagues but also to officials in Newfoundland and Labrador.

Some Hon. Senators: Oh, oh!

Senator Comeau: Not good enough for you?

Senator Mercer: I do not think it is good enough for the people of Newfoundland and Labrador. Ms. Gallant should apologize to all Atlantic Canadians. It is well known that when an emergency strikes in Atlantic Canada, we are all there. When Swissair went down off Peggys Cove, people did not wait for the Coast Guard, but got in their boats and went out on the ocean to try to help the victims of the disaster. Unfortunately, there was no help to be given because of the magnitude of the disaster.

Honourable senators, we do not need to be lectured by people from Upper Canada about search and rescue.

Honourable senators, let me talk about the testimony provided by the Honourable Shawn Skinner, Minister of Natural Resources and Minister Responsible for the Forestry and Agrifoods Agency in Newfoundland and Labrador. Mr. Skinner appeared before the committee, and he said that 193 fish harvesters have lost their lives in the Atlantic since 1979. He also stated that the current search and rescue response times provided from DND — and please pay particular attention to the numbers I will give you — are 30 minutes between the hours of 8 a.m. and 4 p.m., Monday to Friday, and at two hours, outside of those hours and on statutory holidays.

How many Atlantic Canadians' lives are at stake when the Department of National Defence goes on a break or takes a vacation?

Senator LeBreton: Honourable senators, I think that Senator Mercer's comment is a gross insult to DND and members of the Coast Guard.

With respect to Canadian Forces and our search and rescue operations, as the minister has stated on many occasions, these assets are optimally located to provide the most rapid response to areas where, historically and statistically, incidents are most likely to occur. We are constantly assessing the search and rescue needs and capabilities, and we are committed to providing effective search and rescue services for all Canadians. Obviously, the people who live along our coasts are historically and statistically in more danger, and, obviously, that is where a good part of the search and rescue missions are focused, although we do have search and rescue capabilities in other parts of the country as well.

Senator Mercer: Honourable senators, I do not care if the people at the Department of National Defence are insulted by my comments because my question relates to the safety of Newfoundlanders and Labradorians and Atlantic Canadians who are out on the water. Those people are insulted by the lack of good service.

Honourable senators, can you imagine that we will have to tell the fishers to schedule any catastrophes between 8 a.m. and 4 p.m.? Perhaps someone at DND should understand that when fishers go out on the Grand Banks, they go for weeks and months at a time. It takes hours to get there. They do not get there in a few moments; it takes a long time. To have to say, "We will have to wait to have our accident until after 8 a.m. Hold it, now. Don't let anything happen before eight o'clock in the morning because search and rescue is unavailable until that time," is an insult to Atlantic Canadians and to those good men and women working on the waters of this country. DND should be ashamed of itself, not the other way around.

Could the leader tell me when this government will address the issue of search and rescue times so that we in Atlantic Canada can depend on search and rescue being able to respond in a reasonably quick time to help save those people who find themselves in distress on the water?

Senator LeBreton: I repeat, honourable senators, that I think the honourable senator has done a great disservice to our Canadian Forces and to the search and rescue people. To suggest that people's lives are at risk while the search and rescue people are off having coffee breaks or holidays or weekends is highly insulting. As the honourable senator knows full well, the search and rescue operation operates on a 24-7 basis.

• (1410)

We are always looking at ways to improve service, following areas where historically and statistically there are more incidents. I repeat what I said: I would take great offence if I were a member of the Canadian Forces, and part of search and rescue, to think that a parliamentarian would think I would rather go for a coffee break or have a holiday than save a life.

Senator Mercer: It is your responsibility, minister, as a member of the government, to manage the departments that fall under the government. One of those departments is the Department of National Defence.

The people who are not there at the time to respond are working to schedules established by the people who run the departments. The last time I checked, Peter MacKay, the Minister of National Defence, was responsible for that department, not some warrant officer or sergeant in Gander.

The schedules and rules are drawn up to make available the proper personnel and to provide enough personnel to perform this job. The schedules and rules are the responsibility of the minister and the management of the Department of National Defence.

The good people who work in search and rescue do a terrific job and we are happy to have them. We are thankful to have them, but what we do not have is enough of them, and we have poor management by this government.

How many more Atlantic Canadians are going to or could die because of the government's mismanagement?

Senator LeBreton: The honourable senator's remarks are clearly on the record, but I point out that we have vastly increased the resources and the number of people in the Canadian Forces, unlike the government of the previous 13 years. I invite the honourable senator to go back and check the record. When his party was in government, it would not even provide the Canadian Forces with decent helicopters to go out and save people.

Hon. Roméo Antonius Dallaire: Honourable senators, the information provided by Senator Mercer on the availability of search and rescue is at least shocking. However, we are talking about the air force; I will not go any further but it is inappropriate.

That being one element, the helicopters that have come in were initiated by the previous government and moved forward, but the issue of fixed wing aircraft for search and rescue has not been resolved. It is stalled within the process of procurement and decisions on benefits and so on.

The leader's government has been at it for five years. Could she tell us when those aircraft will appear on the horizon, please?

Senator LeBreton: Senator Dallaire has tried to cover the fact that the search and rescue mission operation was severely set back by the actions of the previous government on the whole issue of the acquisition of the helicopters.

With regard to the fixed wing, I will take the question as notice and send the honourable senator a written answer.

[Translation]

PUBLIC SAFETY

CONDITIONAL RELEASE OF PRISONERS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. The coalition of the Conservatives with the separatists, the Bloc

Québécois, recently managed to come to an agreement in order to pass a bill to prevent any form of early release for financial criminals, also known as white-collar criminals.

The bill will be fast-tracked and the legislation will apply retroactively. This is another example of the invention of a new procedure in order to avoid the usual process.

Apart from the fact that it is never a good idea to legislate based on one's emotions about an item in the news, no matter how villainous it may be, this agreement goes against our legal and democratic principles.

Furthermore, while the Conservative government and the Bloc members are acting tough, they are not mentioning the fact that Canadians will be paying to keep these people in jail, rather than having them do useful community work.

Finally, it is completely unacceptable to amend our entire parole system — retroactively and in contempt of Parliament — in order to play petty politics based on two isolated albeit tragic cases that played out in my province.

Can the Leader of the Government in the Senate perhaps tell us when — after five years in power — her government will stop micromanaging and decide to govern in the interest of all, with respect for our democratic institutions and for the good of our children's future?

[English]

Hon. Marjory LeBreton (Leader of the Government): We have many pieces of legislation tabled before Parliament on a host of matters with regard to our justice system. On the particular piece of legislation that the honourable senator refers to, as the government is a minority government, for all legislation that is tabled in the other place, we seek the support of its members.

As was the case last night on a motion, the Liberals supported the government's position. In other instances, the NDP supports the government's position. On this particular matter, the members of the Bloc Québécois supported the government's position.

When the government tables legislation, the aim is to pass the legislation through Parliament. We appreciate the support of any of the opposition parties who choose to support the government's legislation.

On the piece of legislation the honourable senator refers to, this legislation is going through the parliamentary process. Everyone will have a chance to have their say, but I dare say that if I were a victim of Mr. Jones, I would not think of that individual as a stellar citizen.

[Translation]

Senator Hervieux-Payette: Honourable senators, I would like to point out to the Leader of the Government in the Senate that I was speaking about sound, long-term management and not making decisions on a case-by-case basis and then amending the Criminal Code based on a specific case.

FINANCE

HARMONIZED SALES TAX

Hon. Céline Hervieux-Payette: Honourable senators, I would also like to point out, in keeping with the theme of sound management, that in an interview on *RDI Économie*, broadcast on February 1 on the RDI network, Luc Godbout, a researcher with the Chair of Taxation and Public Finance at the Université de Sherbrooke, explained that Quebec is the only province, out of the six that have harmonized their sales taxes, to have received no compensation. The Atlantic provinces received almost \$1 billion in compensation under the Liberal government, Ontario received \$3.4 billion, and British Columbia was given \$1.6 billion. Quebec is claiming \$2.2 billion in compensation from the federal government for harmonizing its tax in 1992, and it has yet to be compensated.

Since the government has just shown that it can form a coalition with the Bloc Québécois separatists, can the Leader of the Government in the Senate tell us whether this coalition will at least put an end to the unfair treatment of Quebec and this double standard by including the amounts owed to Quebec in the next budget?

[English]

Hon. Marjory LeBreton (Leader of the Government): We have been in government for five years and we have moved considerable legislation through Parliament using a process of co-operation in the other place by one or other of the opposition parties. Joining together and signing an agreement, that is a coalition. Seeking support from the opposition is a meaningful way of trying to move our legislation through Parliament.

With regard to white-collar crimes, this piece of legislation is not specifically designed for a few cases in Quebec. If the honourable senator checks the record, as part of our policy platform, we indicated our interest in dealing with white-collar crime long before these cases happened.

I can understand the honourable senator's concern when her party in the other place decides they are on the side of grow-op operators and drug pushers who damage our children. I can well understand it.

With regard to the sales tax in Quebec, I will repeat what I have said and what the Minister of Finance has said on many occasions. He is continuing to negotiate in good faith with his counterparts in Quebec, and we, as the government, hope to reach a successful outcome after these negotiations.

HEALTH

SODIUM WORKING GROUP

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. On Tuesday, I asked the leader why the federal government disbanded the Sodium Working Group before the group completed its mandate. At that time, the leader indicated there was a significant overlap between the working group and the Food Regulatory Advisory Committee, which is the group that the government has now charged with implementing and monitoring the sodium reduction strategy.

I have checked into this matter and there is not a significant overlap. In fact, there is very little overlap between the two groups.

The Sodium Working Group is made up of experts in their field. They started the initiative. They had the mandate to develop, implement and monitor the strategy. They have already developed it, so why will the government not let them complete their mandate?

• (1420)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I said when I answered the honourable senator's question a few days ago, it is clear that sodium levels in Canadian food products are high. That is why we established the Sodium Working Group. The group looked at ways to reduce the amount sodium and encourage Canadians to reduce their sodium intake. There was a considerable amount of media interest around their reports.

As I said, we thank the Sodium Working Group for their hard work. At the health ministers' meeting last summer, the ministers of health adopted a goal of reducing sodium intake by one third by 2016. Following on these reports, Minister Aglukkaq will continue to work with her provincial and territorial colleagues and all other stakeholders in this area to ensure that this strategy is implemented to the benefit of all Canadians.

Senator Callbeck: The Sodium Working Group was set up to develop, implement and oversee this strategy. That was their mandate. They started it. They worked for three years. They developed a strategy. All of a sudden, the Sodium Working Group has been disbanded and the government has given the implementation and the oversight of this strategy to the Food Regulatory Advisory Committee.

Why did the government disband the Sodium Working Group, which is composed of experts in their fields? The group includes Health Canada, Agriculture and Agri-Food Canada, the Public Health Agency of Canada, the Federal-Provincial-Territorial Group on Nutrition, scientists, health professionals, health and consumer groups like the Heart and Stroke Foundation and the food manufacturing and food service industries.

The group spent three years developing this strategy. As I said, their mandate was to develop, implement and monitor. Why will the government not let them implement and monitor this strategy?

Senator LeBreton: The participants in the Sodium Working Group completed their work. We thank them for their work and now the strategy will be implemented through the ministers of health for the various provinces and territories. I think we are speaking from the same side of the page, Senator Callbeck.

The Sodium Working Group was set up. They provided good work. They provided good research. There was a lot of media attention around their findings. The Minister of Health took this work to her counterparts in the provinces and territories and they are working to implement a sodium reduction plan to reduce intake by 2016. I do not know what more I can say.

Senator Callbeck: I still do not have an answer to my question. A number of the people around the Sodium Working Group are speaking out and are concerned about the future of this strategy.

They had a mandate to set up the strategy, implement it and monitor it. Suddenly, the government has taken the implementation and monitoring from the working group and given it to another group called the Food Regulatory Advisory Committee. Why did the government do that?

Senator LeBreton: Honourable senators, I have not seen any of the people who are questioning this move referred to by the honourable senator. The group provided good work, they completed their work, we thanked them for their work and we have turned this strategy over to the people who are in the best position to implement it; namely, the various health authorities in the provinces and territories.

Senator Callbeck: Hopeless.

HERITAGE

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION APPOINTMENT OF VICE-CHAIRPERSON

Hon. Pierre De Bané: Honourable senators, my question is for the Leader of the Government in the Senate.

When we had our exchange, the leader said something that astonished me. I argued that the new vice-chair of the CRTC is a person who has never been involved in any matter related either to broadcasting or telecommunications. The leader made the argument that having someone appointed to such a critical position without any experience in that field —

The Hon. the Speaker: I regret to inform honourable senators that the time allotted for Question Period has expired.

I am therefore obliged to call for Delayed Answers.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed response to an oral question raised by Senator Dallaire on December 13, 2010, concerning National Defence—Military Family Resource Centres.

NATIONAL DEFENCE

MILITARY FAMILY RESOURCE CENTRES

(Response to question raised by Hon. Roméo Antonius Dallaire on December 13, 2010)

Military Family Resource Centres work tirelessly to support families at Canadian Forces bases, wings and stations across the country, in the United States and in Europe. Their job, in short, is to bolster the resilience of families and ensure the services are in place to meet the unique demands of the Canadian Forces lifestyle.

The Military Family Services Program, and the Military Family Resource Centres who deliver the Program, are the most visible demonstration of our support for the families of Canadian Forces members. Recognizing that individual and family well-being has a significant impact on military readiness and operational effectiveness the Military Family Resource Centres provide a number of services to Canadian Forces personnel and their families to support their ability to be ready for duty.

The heightened operational tempo that has been the mainstay of Canadian Forces operations since 2002 has emphasized the critical contributions of families to the operational effectiveness of the Canadian Forces. The research is clear: the capacity of military families and their support of the Canadian Forces contribute positively to the recruitment, retention, readiness and deployability of Canadian Forces personnel. Military Family Resource Centres are a critical enabler of operational effectiveness.

With respect to the specific question concerning the Valcartier Military Family Resource Centre, the situation is quite to the contrary of what the Honourable Senator has suggested. First, the Valcartier MFRC has not terminated any employees as a cost-saving measure. Second, since 2007, the Valcartier MFRC has seen increases to both its core, public funding and the local funding provided by the base.

It is clear that the many services provided by the Military Family Resource Centres are critical to maintaining a military force that is operationally ready and effective. That is why, for over 20 years Military Family Resource Centres have been a hub of activity for providing services that help military families tackle the challenges of their unique lifestyle. The Minister of National Defence is confident that they will be able to continue to provide these services and give our Canadian Forces personnel and their families the support that they deserve.

[English]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—AMENDMENTS— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator Demers:

That the Senate concur in the amendments made by the House of Commons to Bill S-6, An Act to amend the Criminal Code and another Act (*Serious Time for the Most Serious Crime Act*); and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I take this opportunity to address the issue raised yesterday by Senator Nolin about the amendments to Bill S-6 and the two new proposed subsections both referred to as subsection (2.7). I thank the Honourable Senator Banks for moving the adjournment to provide us with time to review this matter.

Upon review, it has been established that this matter can be treated as an error in the amendment message; that is to say, a minor typographical error that can be corrected by the law clerks of the two houses acting together before Royal Assent. Such corrections, unfortunately, are required from time to time to correct what Driedger called “an obvious typographical error or slip of the draftsman’s pen.”

By such means, the second proposed subsection (2.7) would be renumbered subsection (2.8) before Royal Assent. This means would avoid the need for a formal amendment to the message to be sent back to the House of Commons to seek agreement of the house.

The Hon. the Speaker: Are honourable senators ready for the question?

On debate.

Hon. Lowell Murray: Honourable senators, I do not see Senator Nolin in his seat. The explanation the Deputy Leader of the Government in the Senate has given sounds to me to be perfectly reasonable and sensible. However, it was Senator Nolin who raised the matter. I think it would be better if we waited until he is back in his seat to see whether that explanation is satisfactory to him.

If my friend opposite can say that he has already consulted privately with Senator Nolin, that consultation, of course, would also be acceptable.

Senator Comeau: I find Senator Murray’s suggestion highly irregular that we wait for a senator to be in the chamber to deal with this issue. Senator Nolin asked a perfectly legitimate question yesterday, and I imagine he placed extreme urgency on it. We gave a response and the response is legitimate, as the honourable senator suggested a moment ago.

I do not think we have to wait for Senator Nolin to be back in the chamber to give either his assent or to demonstrate his continued concern. Honourable senators, this bill has been kicking around for a long time. We have been advised by the law clerks of both houses that typographical errors happen from time to time, and that this means is a perfectly legitimate way of solving the problem.

I suggest that we continue with the debate and then proceed to the final denouement of this bill.

Senator Murray: Honourable senators, I am seeking a simple matter of courtesy from the government towards one of its members. The explanation all sounds reasonable to me. I want to know that Senator Nolin is satisfied with the explanation. He can indicate his satisfaction privately to my friend or he can come in here and do so for the record.

• (1430)

I do not see what we have to lose by waiting until another sitting to send a message to the House of Commons as to our agreement. I do not think we have prorogation or dissolution staring us in the face this weekend.

My friend suggests that we should continue the debate. I would move the adjournment of the debate.

The Hon. the Speaker: I know that another senator is prepared to speak now. Does the honourable senator wish to move the adjournment later?

Senator Murray: Thank you, Your Honour. Yes, I do.

[Translation]

Hon. Pierre-Hugues Boisvenu: Honourable senators, today I am speaking to Bill S-6 because unfortunately, I heard a word in this chamber that always gets a reaction out of me when it is used in the context of rejecting a bill that meets the expectations of the families of victims of crime, namely, the word “vengeance.”

To properly express my thoughts and provide my opinion on the bill to abolish the faint hope clause, I would like to share the story of the murder of my daughter Julie.

Julie was a young woman full of life. She was 27 years old. Julie had an incredible future ahead of her. She had life ahead of her.

A few months before her murder, she was promoted to manager of the Aldo store in Sherbrooke. That was Julie’s dream job. She was kidnapped in downtown Sherbrooke, unlawfully confined, raped and strangled by a man who, on the night of June 23, 2002, was a predator on the hunt for a woman to rape.

Despite Julie’s pleas not to be killed after she was raped, her attacker did not give her the first chance, let alone a second chance to live.

[English]

Honourable senators, I do not know whether or not Senator Carstairs, who said that this bill is about vengeance, has met many families who have had a loved one murdered. I encourage her to do so. She will discover that very few of them are about vengeance, no more so than this bill is about vengeance against murderers.

[Translation]

We have to stop thinking of victims' families as vengeful. Those I have met are concerned about justice and public safety. Their primary concern, of course, is that the murderer is punished for his crime, but they also want to ensure that he never has a chance to create more victims. These victims' families are asking for only one thing: that justice is served and respected; that the sentence handed down by the court is respected. That is the very foundation of Canadian justice.

Honourable senators, I cannot tell you often enough in this chamber that these families are motivated by mutual compassion and by an obvious concern to prevent such tragedies from ever happening again.

Is kidnapping, raping, attacking and killing a woman not a serious crime in your view? Releasing a criminal convicted of such acts after only 15 years in prison is certainly not a very serious sentence.

Honourable senators, I remember November 30, 2004, when the judge asked the criminal to stand while the sentence that the jury had decided on was read out: Life in prison with no chance of parole for 25 years. When it was read out, we were not necessarily pleased with the sentence; we were simply satisfied that it was fair and proportionate to the crime, as set out the Criminal Code of Canada. You can imagine my surprise when I learned, two years later, that we have a parallel justice system in Canada which allows sentences handed down by our judges to be reduced. The criminal therefore had the possibility of being released after having served only 15 years of his life sentence.

Our family's legal battle went on for seven years. The offender's request for a new trial went as high as the Supreme Court of Canada, but obviously it was denied. In 2016, five years from now, seven years after the end of the legal proceedings, our family will have to relive this painful past because Julie's murderer will be able to start his release process. He can do this every two years.

That is why, when I was chairman of the Murdered or Missing Persons' Families' Association, our association fought hard to eliminate such privileges, in order to ensure that criminals would serve their entire court-imposed sentences for premeditated murder.

All partisan comments aside, I would like to remind you that this privilege, which was implemented by the Liberal government at the time, follows the same philosophy as automatic parole after one-sixth of a sentence. These measures have been openly condemned by the public and prove to victims that the Liberals often put criminals' rights ahead of victims' rights.

For five years, our government has been trying, with bills such as this one, to put rigour and accountability back into our prison

system. These values have disappeared over the past 30 years. All too often over the past 30 years, Liberal legislation has transformed criminals' privileges into rights that the majority of them now benefit from.

[English]

Some would like criminal laws and victims' rights to be kept apart, to be separate and impenetrable; but that cannot happen because we live in a society founded on the rule of law. We cannot systematically separate the human dignity of victims from the need to see the most dangerous of criminals punished.

[Translation]

The underlying principles of criminal law are deterrence and punishment, which ensure that the most despicable actions are condemned. Criminal law revolves around *mens rea*, with criminal intent forming the basis for Canadian criminal law. Therefore, it is proper to severely judge those who have intentionally ended the life of a human being.

If we are here today, sitting in the same seats occupied by our predecessors in the Senate, it is because we have been given the responsibility of passing laws to ensure peace, order and good government. The aim of Bill S-6 is to ensure that we preserve the values of our society. Respect for others and respect for human life are pre-eminent values. Honourable senators, that is the true sense of the justice we wish to re-establish in the Canadian justice system. Criminals must recognize and accept the consequences of their actions. This bill will achieve that purpose.

[English]

I will close by quoting a great philosopher of the 19th century, John Stuart Mill, who said:

That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.

[Translation]

Honourable senators, I urge you to lend your unqualified support to Bill S-6, on behalf of the families of murder victims and all Canadians.

(On motion of Senator Murray, debate adjourned.)

[English]

CRIMINAL CODE NATIONAL DEFENCE ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Daniel Lang moved second reading of Bill C-48, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act.

He said: Honourable senators, I am pleased to speak today in support of Bill C-48, the Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act.

• (1440)

I say this because I am speaking on behalf of 34 million Canadians who are outraged that a multiple murderer like Clifford Olson has the right to apply for parole every two years. Canadians believe that this right should be abolished because it makes a mockery of the law and everything our country stands for.

Honourable senators, one need only listen to what Sharon Rosenfeldt, President of Victims of Violence, said to a committee in the other place as she described having to relive the horrors of the murder of her son during parole hearings. She said:

On a personal level, I can tell you one thing: it's tough. It's tough after 29 years, it's tough after 26 years, and I'm not sure why we have to go through it.

One can only imagine what this right of appeal for mass murderers does to the families of the victims who are forced to relive the past. We need only refer to the earlier comments of our colleague.

Thirty-four million Canadians, along with Sharon Rosenfeldt and other victimized Canadians, expect us to rectify this obvious major flaw in our justice system.

Bill C-48 proposes to amend the Criminal Code and make consequential amendments to the National Defence Act. It would authorize a judge to order that convicted multiple murderers could serve separate, 25-year periods of parole ineligibility to account for the second and each subsequent victim of their crimes. Most importantly, these additional 25-year periods would run consecutively to the period of parole ineligibility imposed for the first murder.

In exercising this new authority, judges will have regard to criteria in the Criminal Code with which they are already familiar in the context of setting parole ineligibility periods for convicted murderers.

Also, Bill C-48, as introduced by the government, would require the sentencing judge to give reasons for the decision not to impose consecutive periods of parole ineligibility on a convicted multiple murderer in a particular case. This would be of benefit to the families and loved ones of murder victims who have long said that they are left in the dark as to why certain decisions are taken during the trial and sentencing process.

The measures proposed in this bill have been brought forward because of the compassion Canadians feel for the families and loved ones of murder victims.

This issue is not new to Parliament. Ten years ago, a Liberal member of Parliament, who still sits in the other place, tried to address this wrong by way of a private member's bill. Ten years later, the government has brought it forward for our consideration.

Let us be clear: This bill targets criminals who have committed the most horrific of crimes. For these most depraved criminals, we are talking about incarceration, not rehabilitation.

The discretionary authority granted to judges by this bill will allow them to impose consecutive periods of parole ineligibility for a multiple murder. In these cases, judges will have the new power to effectively eliminate the need for victimized families to suffer through a series of parole applications that too often do little more than stir up painful memories.

I refer honourable senators to what the Federal Ombudsman for Victims of Crime told the committee in the other place. Susan O'Sullivan said:

Bill C-48 addresses two specific concerns that victims have raised again and again: the need for accountability for each life taken, and the anxiety and emotional toll victims face when an offender is granted a parole hearing.

She went on to say:

... anybody who has suffered a loss as a result of murder will be scarred for life.

Honourable senators, Bill C-48 is yet another example of the commitment of this government to address the concerns of crime victims and all Canadians that convicted murderers should serve the time in prison that their crimes merit.

In this regard, Bill C-48 should be seen as companion legislation to Bill S-6, the Serious Time for the Most Serious Crime Act, which will effectively repeal the faint hope regime for all future murderers and help to ensure that they serve the full time to which they were originally sentenced.

The bill is based on the straightforward proposition that taking the lives of more than one person reflects a higher degree of moral guilt and must allow for a higher penalty.

In conclusion, these proposed amendments will protect the families and loved ones of multiple murder victims from being forced to re-hear the details of these crimes at parole hearings.

Bill C-48 proposes to reform the approach to sentencing multiple murderers in a way that balances respect for the principles of sentencing with respect for the rights of victims and their families. For this reason, honourable senators, it deserves your careful consideration and support. Thirty-four million Canadians expect no less.

(On motion of Senator Tardif, debate adjourned.)

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Banks, for the second reading of Bill S-221, An Act to amend the Income Tax Act (carbon offset tax credit).

Hon. David Tkachuk: Honourable senators, I would like to rewind the clock on behalf of Senator Comeau.

(On motion of Senator Tkachuk, for Senator Comeau, debate adjourned.)

SUPREME COURT ACT

BILL TO AMEND—SECOND READING— POINT OF ORDER—SPEAKER'S RULING RESERVED

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Rivest, for the second reading of Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages).

Hon. Joan Fraser: Honourable senators, I will continue the remarks that I began yesterday on the point of order raised by Senator Cools in connection with the need or otherwise for Royal Consent to this bill.

I confess that I have not had the opportunity to consult more of the words of Sir John A. Macdonald, so the quotation that I used yesterday about being a British subject will have to stand, although, of course, I am a Canadian and proud to be so.

To the subject matter, I have had the opportunity to consult some authorities and past Speaker's rulings, and I find them to be very instructive. I note, for example, a ruling of October 25, 2001, on a point of order about Bill S-20, which concerned changes to the system for appointment to certain high public positions, changes involving consultation with an advisory panel. Although the bill concerned appointment to a number of high public positions, including, I think, the Senate, the Speaker's ruling was confined to its implications for appointment of the Governor General. The Speaker ruled that in that case, Royal Consent would be needed.

• (1450)

On November 17, 2004, the Speaker also ruled on Bill S-13, which was presented by our esteemed Deputy Speaker today, although he was not yet Deputy Speaker. The bill concerned a proposal to elect the Speaker of the Senate. The Speaker ruled that that bill also would require Royal Consent and from a lay position, that makes sense. Both of these bills affected things that the Governor General actually does, or the Queen actually does, in the case of the appointment of the Governor General on the advice of the Prime Minister.

Royal Consent was given to Bill S-34 in April 2004, which was a bill concerning the ceremony of Royal Assent. That, again, concerns something that the Governor General actually does. Royal Consent was also given to Bill C-20, the Clarity Act, in 2000. However, as many senators will recall, there was a sense at the time on the then government side that Royal Consent was not needed for that bill but that it would clarify matters should anyone have any doubts. As honourable senators will recall, as

Senator Boudreau reminded us in that debate, no less eminent a person than Professor Patrick Monahan had told the committee studying the bill that it had absolutely no impact on the Crown Prerogative. I thought at the time, and still think, that the provision for Royal Consent for that bill was not necessary.

Honourable senators, perhaps more interestingly, the Speakers have ruled over the years on a number of cases where they said Royal Consent was not needed. On March 8, 2005, the Speaker ruled that Bill C-6, which would abolish the position of Solicitor General, did not need Royal Consent. His Honour ruled on February 26, 2008 that Bill S-224, concerning time limits for the filling of vacancies in Parliament, including the Senate, did not require Royal Consent.

Honourable senators, I found this example most interesting: On September 24, 2003 the Speaker ruled that Bill C-25, which abolished the Oath of Allegiance to Her Majesty for some public servants, did not need Royal Consent even though the Oath of Allegiance is to the Queen. That did not need Royal Consent. Presumably alluding to the fact that 400 or 500 years ago, the abolition of such an oath would have required Royal Consent, the Speaker said: "No such prerogative exists in Canada today."

That leads me to something that was said in a Speaker's ruling on March 8, 2005: "Prerogative powers, despite their long history, need not be forever immutable. They can be abolished or limited by statute."

Honourable senators may like to know that Professor Peter Hogg, perhaps our most eminent constitutional expert, said in *Constitutional Law of Canada*, fifth edition:

... the prerogative could be abolished or limited by statute, and, once a statute had occupied the ground formerly occupied by the prerogative, the Crown had to comply with the statute. All of these rules, and especially the last (displacement by statute), have had the effect of shrinking the prerogative powers of the Crown down to a very narrow compass. The conduct of foreign affairs, including the making of treaties and the declaring of war, continues to be a prerogative power in Canada. So are the appointment of the Prime Minister and other Ministers, the issue of passports, the creation of Indian reserves, and the conferring of honours such as Queen's Counsel. But most governmental power in Canada is exercised under statutory, not prerogative power.

That passage is found on page 119 of that edition of Hogg; and in the same edition, on page 8.2, he addresses himself more particularly to the case before us, which is of the Supreme Court of Canada, which was, as we know, established by statute in 1875. Hogg says:

The Supreme Court of Canada's existence, and therefore the details of its composition and jurisdiction, depend upon an ordinary federal statute. ... over the years there have been many changes in its composition and jurisdiction, and these have been accomplished by federal statutes.

Indeed, Your Honour, I have been unable to find any indication that Royal Consent was sought, let alone obtained for the Supreme Court Act. The Library of Parliament has

checked amendments to the Judges Act back to 2001. I believe there have been five of them, if my memory serves. Although all had a Royal Recommendation, none had Royal Consent. Therefore, Your Honour, I would argue that by strong precedent, there is no need for Royal Consent on this bill either.

Some Hon. Senators: Hear, hear!

Hon. Hugh Segal: Honourable senators, I wish to associate myself with the comments made on the issue of the role of this place relative to advice to Her Majesty, which were opened so eloquently by Senator Cools yesterday. I do so again without regard to the substance or content of the bill, but to the notion of prescribing Her Majesty's options as the reflection and representative of the state relative to the kinds of appointments that are dealt with in the legislation proposed before us in Bill C-232.

All of us in this place, if we look at our orders of commission, are commissioned as advisers to Her Majesty; here at the express direction of the Crown through its representative. The government in the other place, the first minister and his colleagues, are constituted as advisers to Her Majesty and to the Crown.

Honourable senators, every time we seek, for even the best of purposes, to prescribe the appointment process that Her Majesty has through her representative, we diminish not only the Royal Prerogative but the process by which the state actually expresses itself in this kind of parliamentary government, as opposed to the kinds of government we find elsewhere, for example, to the south.

Honourable senators, at a Commonwealth meeting in London, I found myself with a former first minister from Kiribati, a small island state in the South Pacific. We were commenting on why there had been riots in the streets of Paris after certain austerity measures were defined and why, student riots had not yet occurred in London. Someone in the car offered that it was because there is a difference between life, liberty and the pursuit of happiness and peace, order and good government, at which point the ears of my South Pacific friend perked up and Sir Jeremiah said, "Peace, order and good government, we have that in our Constitution." I said, "Sir Jeremiah, that is because it was boilerplate, coming out from the colonial office on a regular basis, but it was all about the supremacy of the Crown." It was all about politicians not taking unto themselves, elected or otherwise, powers that are vested in the state and the Crown to make important decisions.

I believe that the point of, order raised by our colleague commends itself to His Honours most careful consideration, and positive consideration, because every time, willingly or otherwise, for the best of purposes, we prescribe that expression of who we are, how we are governed and our constitutional history, we diminish that constitutional framework in a fashion that reduces our identity, our sovereignty and the nature of who we are as a society. We are different on the northern half of this continent from our friends to the south, and we share that difference with our Commonwealth brothers and sisters around the world. We are different from other republican styles of government. That was not the intent of the author of this bill; I respect that. However, that may be the unwitting result if we proceed without giving this point of order the most careful consideration.

• (1500)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Your Honour, although Senator Cools presented us with an interesting historical overview yesterday, there is no valid point of order here. Senator Cools is asking us to ignore the procedural authorities and to overturn a series of earlier Speaker's Rulings in an attempt to prevent all of us here from debating a matter of public importance. Senator Cools claims that Bill C-232, which we received from the House of Commons in April, 2010, requires Royal Consent and that it must receive that consent before we move any further with the legislation.

Let me remind honourable senators that there have been a number of recent decisions by the Speaker in this chamber, and Senator Fraser referred to some of them, indicating that no Royal Consent was required. Three of those decisions were points of order raised by Senator Cools herself. I refer to decisions of September 24, 2003, May 7, 2002, and October 29, 1998. In the decision rendered on May 7, 2002, the Speaker noted:

While I do not dispute the accuracy of the Senator's references and examples, I do question their binding relevance to modern practice. All Senators can appreciate that the law of Parliament is not static; it changes and evolves to suit the needs of Parliament and its members.

Yesterday, Senator Cools made the following statement:

Bills that seek to amend that royal power need royal attention and royal agreement even to be debated in Her Majesty's Senate and House of Commons.

She asserted:

Senators have no power to even debate, far less to adopt, Bill C-232 without the Royal Consent.

Colleagues, this proposition is startling. We are members of a legislative body whose freedom and ability to conduct rigorous debate is protected by parliamentary privilege; yet, Senator Cools would have us accept that there are certain matters that we cannot discuss out loud in this chamber without the express permission of Her Majesty.

Let me repeat her words. She said:

Senators have no power to even debate . . . Bill C-232 without the Royal Consent.

Living in a 21st century parliamentary democracy instead of an 11th century absolute monarchy makes it difficult for me to accept that I need the express permission of a hereditary monarch to debate any question of public importance in our Parliament.

Some Hon. Senators: Hear, hear.

Senator Tardif: Perhaps my views would have been different a thousand years ago during the reign of Ethelred the Unready, who reigned from 978 to 1016, but I am not living 1000 years ago. We are living in a mature parliamentary democracy, where Canadians expect their parliamentarians to debate all issues of public importance and to do so freely.

Beauchesne's sixth edition, at citation 727, states:

The consent of the Crown is always necessary in matters involving the prerogatives of the Crown. This consent may be given at any stage of a bill before final passage. . . .

Are we anywhere near final passage? The answer is no, unfortunately. Final passage is third reading. We have not even completed second reading, let alone moved on to committee stage to hear the views of Canadians.

The members of the other place examined Bill C-232 and concluded that it deserved support. They gave passage to this legislation and sent it to us for consideration because, in their view, it was a matter of important public interest.

Honourable senators, not only is Beauchesne clear that a bill requiring Royal Consent needs to obtain that consent only prior to final third reading passage, but successive rulings by the Senate Speaker, which were never challenged, made the same point.

For example, in 2004, Senator Oliver had a bill before the Senate designed to permit the election of the Speaker of the Senate. On November 4, during second reading debate, questions were raised about whether the Governor General's consent was required because Royal Prerogative could be affected by the bill.

This point of order was raised by Senator Murray. In the ensuing debate on his point of order, Senator Cools reminded everyone how Royal Consent was given by government leader, Senator Boudreau, in 2000 to the Clarity Bill at the third reading stage. Senator Cools went on to say:

. . . the practice as set by the Speaker has been in this chamber for quite some time that a bill is given second reading and is referred to committee. Thereafter, if the Royal Consent is required, someone else, especially if it is an opposition bill, figures out how to approach Her Majesty's representative to observe the Royal Consent.

The opposition leader also argued on that day that Beauchesne's and precedent did not support the proposition that the question of Royal Consent needed to be finalized at the second stage. He said:

Our precedents are very clear that the debate can continue.

That point is exactly the one I am arguing today. Whether or not Bill C-232 requires Royal Consent need not be determined until third reading, and, until then, debate should be allowed to continue.

In her remarks yesterday, Senator Cools said that my actions to try to advance this bill "suggest that she wishes us to carry this bill through all its stages without Royal Consent."

Let me assure Senator Cools that my sole intention at this time is for the debate to continue at second reading, for the bill to receive second reading and for it then to be referred to committee, where the views of Canadians can be heard. I am confident that vigorous committee hearings will persuade the government that this bill is in the public interest.

Honourable senators, the point of order raised by Senator Cools rests on several assumptions, a number of which I hope will come true. Since the procedural authorities and previous rulings made clear that the question of Royal Consent becomes an issue only at third reading, she must assume or anticipate that this bill will receive second reading. She must also assume or expect that the subsequent committee hearings will so impress committee members that they will recommend to the Senate that the bill be adopted without amendment. Otherwise, there would be a committee stage to deal with amendments or, even worse, a recommendation from the committee that the bill not be proceeded with.

Although Senator Cools may have confidence that Bill C-232 will proceed smoothly to third reading, at which time Royal Consent may, and I stress "may," be an issue, I am not willing to prejudge what senators may decide at any of the intervening stages. That is for the Senate to decide.

However, my contention is that the Senate should have a chance to debate the merits of this proposal that we have received from the elected members of the other place and then to decide whether we wish to hear from Canadians on the bill without being stopped from doing so.

If there is a problem with Royal Consent, why did it not arise in the other place as Bill C-232 went through its three readings? I would say it is because it was judged that it was not necessary. That is a moot point, because the bill is before us now.

With all respect, whether Bill C-232 requires Royal Consent before the third reading question is put is also moot because we are still at second reading. Debate should continue, honourable senators. The question is hypothetical at this time, and we should not prejudge what the Senate will do in the weeks ahead.

[Translation]

That said, I do not think that Bill C-232 requires Royal Consent since the authority of the Governor-in-Council to appoint judges to the Supreme Court is not in jeopardy. The bill simply further specifies the criteria for appointing judges. Furthermore, this has nothing to do with royal power because it applies only to names submitted by the Prime Minister. The Governor General does not judge or choose a candidate, and either way, constitutional convention dictates that he cannot deny his consent.

• (1510)

Even the Governor General himself must respect the Supreme Court Act and the Official Languages Act. The addition of a qualifying requirement in this case is no more subject to royal approval than any other position that is filled by order in council; it is a law like any other.

The bill in question would ensure that speakers of both official languages have equal access to justice. It would implement section 16 of the Charter of Rights and Freedoms and does not violate the conventions or the common law because they must both be in accordance with the Charter.

Senator Cools claims that Bill C-232 restricts the size of the pool of candidates eligible for being appointed as judges to the Supreme Court. As Senator Fraser said yesterday, and I quote:

We have in legislation many rules that the Parliament of Canada has adopted about qualifications for various high positions. Frequently, the higher the position, the more stringent the qualifications set out in legislation. In the precise case of judges, we are quite picky about them; and justly and rightly so. We require that judges be lawyers. We require, among other things, that like senators they retire at the age of 75, which disqualifies a large number of extremely qualified persons. We require by law in the case of judges who are not members of the Supreme Court that the court be capable of hearing and understanding proceedings in both official languages without the aid of an interpreter. In other words, we require that a significant number of judges of the lower courts be able to do that, which, by extension, disqualifies a large number of Canadians, even if they are lawyers and under the age of 75, from filling those positions. The same is true for many positions determined by the Parliament of Canada.

[English]

In addition to the restrictions to the nomination of judges that I have already identified, let me highlight two other restrictions contained in the Supreme Court Act. Section 6 requires that at least three judges be appointed from Quebec and section 8 requires all the judges of the Supreme Court of Canada to reside in the National Capital Region, or within 40 kilometres of its boundaries.

Both these provisions restrict the size of the pool from which Her Majesty may choose. Both these provisions were modified by Parliament in 1974, in the First Session of the Thirtieth Parliament, by Bill S-2. I have been informed by the Library of Parliament that Bill S-2 did not receive Royal Consent. It did, however, pass both chambers and received Royal Assent. Are we now to question the validity of the changes that were made at that time to these two provisions? I think not.

The Supreme Court Act is a law that was passed by Parliament and therefore it is the right of Parliament to modify this law. Changing a criterion of nomination by way of legislation, in my humble opinion, is within the right of Parliament and does not necessitate Royal Consent.

[Translation]

Parliament has the sovereign power to amend its legislation.

[English]

Honourable senators, in my view, there is no procedural impediment to our continuing to examine and debate Bill C-232 at this time and there is no valid point of order.

[Translation]

Hon. Claude Carignan: Honourable senators, I think Senator Cools has raised a very astute question. I think it deserves some careful reflection and a very carefully considered decision on the part of our Speaker.

[Senator Tardif]

I had a few hours to examine the soundness of this point of order and took the opportunity to read some past Speaker's rulings, particularly a ruling made on October 25, 2001, by Speaker Hays regarding a point of order raised on June 5, 2001, by Senator Joyal concerning Bill S-20, An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.

Honourable senators, I obtained a copy of the *Journals of the Senate* and the question raised by Senator Joyal reads as follows:

If I understand the objective of this bill, it is to provide that, in the future, the positions listed under Schedule, Part 1 . . .

Schedule, Part 1 referred to Supreme Court justices.

. . . of the bill will be the subject of compulsory procedures for any minister of the Crown who proposes the appointment of a person to fill one of those positions. Most of those positions are covered by the Constitution Act. For instance, the lieutenant governor of a province is appointed under section 58 of the Constitution Act. Senators are appointed under section 24 of the Constitution Act. Judges on the second part of the annex are appointed under section 96 of the Constitution Act.

A little later, Senator Joyal stated:

That issue could be taken under advisement and the Speaker could inform this chamber, at the proper time, of his decision. We would be taking an important initiative that is of a constitutional nature, because all of these positions are covered by the Constitution of Canada in one way or another.

Coming back to Speaker Hays' ruling, which cites authorities such as Beauchesne, sixth edition, paragraph 726, the paragraph preceding the one cited by Senator Tardif, he states:

726.(1) The consent of the Sovereign (to be distinguished for the Royal Assent to Bills) is given by a Minister to bills (and occasionally amendments) affecting the prerogative, hereditary revenues, personal property or interest of the Crown. *Journals*, April 26, 1978, p. 696.

The Speaker also referred to page 643 of the *House of Commons Procedure and Practice*, by Marleau and Montpetit:

Royal Consent . . . is part of the unwritten rules and customs of the House of Commons of Canada. Any legislation that affects the prerogatives, hereditary revenues, property or interests of the Crown requires Royal Consent, that is, the consent of the Governor General in his or her capacity as representative of the Sovereign²⁴⁹.

And Bourinot, on page 413, fourth edition,

. . . the consent may be given at any stage before final passage, and is always necessary in matters involving the rights of the Crown, its patronage, or its prerogatives.

What is royal prerogative? It was also defined in the ruling by citing *Blackstone* who describes it as “that special pre-eminence which the King hath, over and above all other persons, and out of the ordinary course of the common law, in right of his real dignity.”

The Speaker also quoted Dicey, who described prerogative as:

... the residue of discretionary power left in the hands of the Crown.

— and continued:

... every Act which the executive government can lawfully do without the authority of an act of Parliament is done in virtue of this prerogative.

How does prerogative apply here? It is the power to appoint judges, but not just any judges: Supreme Court judges. This power is the exercise that comes to us directly from section 96 of the British North America Act.

• (1520)

That power is vested in the Governor General. In the Letters Patent of 1947, in which the Queen set out the Governor General's mandate, Article IV says:

And We do further authorise and empower Our Governor General to constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers (including diplomatic and consular officers) and Ministers of Canada, as may be lawfully constituted or appointed by Us.

I also want to refer to Article VIII of the Letters Patent, in which it states that Supreme Court justices, in particular the Chief Justice, and in his absence, the senior judge, would replace the Governor General in his absence or in a case of invalidity.

So the Supreme Court justices who are mentioned here are also a substitute for the Governor General in his absence.

In his decision, Speaker Hays stated that Royal Consent is required. And that was based solely on the Governor General and went no further than the others. He did not speak about the justices because he felt it is enough to say that the Governor General needs to be consulted. However, he did not rule it out entirely and he did not respond to Senator Joyal's question about judges, and Supreme Court justices in particular.

The other question, which Senator Fraser raised, is this: Does the fact that a law is passed infringe on the royal prerogative or does the law become the source of power to appoint judges? That would mean that the power to appoint judges would no longer come from the royal prerogative but from the law. And the royal prerogative would not be affected by amending the law.

I humbly submit to you that none of the Supreme Court sections in the Supreme Court Act state that the law has become the basis for appointing Supreme Court justices. On the contrary, section 4 of the Supreme Court Act sets out that the court be

comprised of a chief justice, called the Chief Justice of Canada, and eight puisne judges. It also governs the appointment of judges, which happens through letters patent from the Governor-in-Council under the Great Seal.

It uses the exact wording used in the Letters Patent of 1947, which is the wording for the exercise of the royal prerogative found in section 96 of the British North America Act.

The conditions of appointment are specified, that is true. The conditions for appointment set out in section 5 state that only a judge who is or has been a judge of a superior court or a barrister or advocate of at least 10 years standing at the bar of a province may be appointed; however, this was already set out in the British North America Act, 1867. Therefore, the Supreme Court Act merely repeats what is already stated in the Constitution. And that is also the case for the appointment of the three judges from Quebec; it was a constitutional convention and it is now in the Constitution Act, 1982.

Thus, nowhere do we see that the law has become the authority for appointing judges, and even less so for appointing Supreme Court judges. In my view, the Governor General and the Prime Minister, when they decide to appoint a judge, especially to the Supreme Court, are acting in accordance with the royal prerogative.

This is particularly true for the Supreme Court because a process was implemented for superior court judges in which a committee made up of members of the bar and representatives of the public creates a list of potential candidates for appointment to the superior courts. Superior court judges must go through this committee in order to be appointed; however, such is not the case for Supreme Court judges.

The Prime Minister can recommend that the Governor General appoint a person who has not been screened against the selection criteria by any kind of selection committee, as long as he respects the criteria set out in the Constitution, namely, the person must have been a practising lawyer and a member of a provincial bar for at least ten years and/or a judge.

If a law that sets an appointment condition that reduces the pool of potential candidates to the Supreme Court by 50 per cent in some cases in Quebec and by 90 per cent in certain other provinces does not affect the Royal Prerogative or its execution, I do not see what does.

Clearly, I will not claim to have Senator Cools' or various other senators' expertise in parliamentary procedure but this issue seems serious enough to me to ask the Speaker to give it careful consideration, particularly since Supreme Court judges are not like other judges. Unlike with other judges, the power to appoint a Supreme Court judge is not limited by legislation. It is also important to remember that Supreme Court judges act for the Governor General in the Governor General's absence, which makes them special people.

We have to be attentive to a law that affects how such judges are appointed.

[English]

Hon. Gerald J. Comeau (Deputy Leader of the Government): I will not add much to what has already been said. I take this opportunity, though, to congratulate Senator Cools for the tremendous amount of work that she put into this point of order. I can imagine the many hours she spent on it.

I felt particularly bad when reference was made this afternoon to dealing, somehow, with eleventh century traditions, and so on. Senator Cools has gone back to the roots — which was not the eleventh century — of British parliamentary tradition established in Great Britain, which we adopted here in Canada. She has made references to the first prime minister of Canada. She has made reference to people who we still consider to be the roots of what our parliamentary procedures are here in Canada.

A great many references she made were to Bourinot. I note that Senator Carignan cited the same reference.

On this subject, I ask Senator Cools if she, in her closing remarks, would refer to a more recent case. When Senator Lynch-Staunton moved a bill in this chamber, he had to withdraw. I think it had to do with written Royal Assent. Senator Lynch-Staunton had to withdraw because the government would not provide Royal Consent. Almost the next day the government of the day, through the Leader of the Government in the Senate at that time, resubmitted the same bill, and indicated at the time that the Royal Consent would be given.

• (1530)

I especially want to say in closing that reference was made this afternoon to the fact that the bill can progress without Royal Consent. In fact, there is a lot to be said about that point. Senator Cools likely will refer to it more.

As far as I can see, reference was made to the fact that Royal Consent was not given in the House of Commons. It does not need to be given in the House of Commons or here. I cannot envisage any minister of the day, either in this place or in the other place, even considering giving consent to this bill.

Of course, I cannot speak for the government. My seatmate can correct me if I am wrong, but I doubt very much that Royal Consent would come from any minister in this place.

Finally, in Senator Cools' closing comments, I ask her to address, if she would, Senator Carignan's reference to the administrative post of the Supreme Court justice. It is one with which I am not completely familiar, but I am sure the honourable senator will have some ideas along that line, of whether this administrative post should also be considered under the decision rendered by His Honour.

Senator Fraser: Honourable senators, I will ask Senator Comeau to clarify one aspect of his remarks. I believe he said that he was not speaking for the government when he said he would be surprised if Royal Consent were given.

I want the honourable senator to clarify that point because, as I am sure Your Honour knows, all the recent precedents and rulings suggest that even where a government is strongly opposed to the content of a bill, it will not refuse Royal Consent on the grounds that the Parliament of Canada has the right to debate any subject of public interest.

If Senator Comeau can confirm for the record that his opinion was a personal one and not a forerunner of government policy, I would be grateful.

Senator Comeau: I can assure the honourable senator entirely that I do not speak for the government. I have no government position.

Senator Stratton: There is only one government member in this place.

Senator Comeau: There is only one government member in this place at this time, and that is my seatmate. I am a parliamentarian and, like all parliamentarians, the Constitution grants me powerful ability to say what I wish to say. Generally, if honourable senators followed my comments over the years, I tend to say them. Every once in a while I try to control them, but if —

Senator Mitchell: Does Senator Mercer have those powers as well?

Senator Comeau: Senator Mercer, unfortunately, also has those same powers, which can be extremely annoying sometimes, I will grant that. However, Senator Mercer has the privileges that have been granted to all of us to be able to rise in this place and speak. Thank God we have those privileges. I think we must use them judiciously.

By all means, I do not speak for the government. Anyone who has been in this post realizes that at a certain point.

However, since I am on my feet, I wonder if Senator Fraser can clarify a statement that she made yesterday. I will not attempt to paraphrase, and Senator Tardif made reference to it this afternoon, but I seem to recall the issue of judges of other courts demanding that they be bilingual in order to receive certain appointments. I think she was wrong. I may have misread or misheard her yesterday, but my understanding was that she said that certain judges had to be bilingual to sit on the court.

Will the honourable senator confirm or agree with me that it is the court that is bilingual under the Official Languages Act and not the judges?

Senator Fraser: In my remarks, I referred to the capacity of the court to hear cases without the aid of an interpreter.

I went on to say — and I think this matter is one of pure logic — that this means that a certain number — and given the vast extent of this country, not an inconsiderable number — of our judges must, therefore, have the capacity to hear a case that may move back and forth between two languages. I myself have been asked to participate as a witness in cases that move back and forth between two languages. For such cases, yes, a judge must be bilingual.

Senator Segal: Honourable senators, I want to clarify, and ensure I understand, some of the distinctions that have been raised by colleagues on both sides. I think there has been some mixing of terms such as Royal Assent, Royal Consent and Royal Prerogative.

I am working on the basis, as I understand Senator Cools to have said, that Royal Prerogative is extended by Her Majesty based on advice from the Governor-in-Council, and that is the basis upon which a bill is brought forward by Her Majesty's government in this place or in the other place.

Senator Cools: Absolutely.

Senator Segal: Royal Assent, as my colleagues know better than me, having been present for far more of those ceremonies than I have, takes place when a bill having passed all stages of approval in both chambers is assented to by Her Majesty's representative in the presence of the Speaker, others and the rest of us when Her Majesty's representative deems to so do in this chamber.

I am not aware of what Royal Consent means. I am not familiar with the term, and if anyone can help me with that meaning, I would be delighted to be so apprised.

[Translation]

Senator Carignan spoke about the role of a member of the Supreme Court as an administrator of Canada.

[English]

He was talking about the role that individual would play in the Royal Assent process when the Governor General, for whatever reason not able to be here, had called upon the l'administrateur du Canada to extend that Royal Assent in his or her name. Those are the terms I am working with, and if I misunderstand in any way, I am open to any of our more learned colleagues clarifying that misunderstanding for me.

The Hon. the Speaker: If no other honourable senator wishes to provide counsel to the chair, I will turn to Senator Cools to conclude.

Hon. Anne C. Cools: Honourable senators, I am pleased to have the opportunity to respond to interventions made to my point of order on Bill C-232 that I raised yesterday. Many statements have been made here and many assertions have been made, but not that much proof or evidence has been put forward to support the assertions and the claims.

I would like to begin by clarifying a couple of questions that have been put to me. One of them concerns the role of the administrator. I have no doubt that there are many senators here who are hearing that term for the first time. The "administrator" is a different position and a different person than Deputy Governors General. We see Deputy Governors General come here, who are deputized by the Governor General to give Royal Assents in their stead. The administrator is a slightly different creature and higher. The administrator is a substitute Governor General who is so appointed in the instances of serious illness or absence of the Governor General.

I am sure those of us here who are seasoned and experienced parliamentarians, like Senator Murray, will recall when Chief Justice Bora Laskin came to this very house and from that very

throne read the Speech from the Throne. The letters patent identify clearly who the administrator will be; it must be a chief justice, not another justice. The letters patent articulate clearly the powers and the role that the chief justice should play.

I put that into my speech because all those appointments are unquestionably nothing else but an exercise in the Royal Prerogative. Perhaps there is confusion as to what the Royal Prerogative is. It is called the *Lex Prerogativa*.

• (1540)

Honourable senators, when portions of that Royal Prerogative are delegated to subordinates to do business on behalf of Her Majesty, it is called "privileges." For example, we talk about judicial privileges, lawyers' privileges, solicitor and client privilege, and we talk about prosecutorial privileges, but all of that is part of Her Majesty's administration where she empowers these people and calls those special gifts — those special endowments — "privileges." The two words are intricately connected: the *lex praerogativa*, the old Latin term, and the *lex privilegia*.

Having clarified, I hope, the position of the administrator on which Bill C-232 will impact as that of an alternate Governor General, I move on. Honourable senators, the bill before us is a serious matter. The questions and the issues are weighty.

I would like to make another small point. Senator Tardif speaks about me as though I am some sort of an 11th century creature. I have always thought of myself as a very modern woman — an extremely modern woman.

Senator Munson: Right on!

Senator Cools: Honourable senators, I want to let you know that I led women in this country on many central and important matters, one of which was to wear pants. That is a minor one, but I certainly did lead in the field of domestic violence, while I asserted strongly that the old notion — the rule of thumb and all of that — was over.

I was a modern woman 30 years ago, and I assert that I still am — an aging modern woman.

Some Hon. Senators: Hear, hear!

Senator Cools: Far from the principles that I am talking about, not being principles of the 11th century, I would also like to clarify that I have been talking about the basic modern principles of responsible government.

Senator Segal: Hear, hear.

Senator Cools: I would like to introduce Senator Tardif to the modern notion of ministerial responsibility and responsible government, the concept of the King, the Queen and her councils in her Parliament, which is the modern system of government. It is not 11th century at all.

Honourable senators, Senator Tardif spoke about restrictions. I had difficulty understanding what she meant. It took me a few minutes. She spoke about disabilities. Let me explain that when a

Supreme Court Justice must live in Ottawa, or the Governor General must reside at Government House, or a senator must reside in the province of his appointment, one could hardly call those “disabilities.” Senator Tardif used the word “restriction,” but I think she meant “disability.”

The fact is I made certain statements when I spoke yesterday, and I am trying to avoid repeating what I said yesterday because I have so much new information to put on the record. When I talked about “disability,” I was not talking about anything as minor as a little inconvenience; I was talking about “disability.”

I will repeat the statement I made yesterday. I will quote myself, where I was actually quoting from the Oxford dictionary on the definition of “disability.” I will put it on the record again. The definition is:

Incapacity in the eye of the law, or created by the law; a restriction framed to prevent any person or class of persons from sharing in duties or privileges which would otherwise be open to them; legal disqualification.

Honourable senators, the current Supreme Court Act at section 5 says clearly:

Any person may be appointed a judge who is or has been a judge of a superior court of a province or a barrister or advocate of at least ten years standing at the bar of a province.

That is the state of the law, honourable senators. All of these people are eligible for appointment to the Supreme Court. The proof that this is prerogative power is in the margin note, which states, “Who may be appointed.” It is not “recommended,” but “Who may be appointed.” The fact is that Bill C-232 will disable large numbers of individuals who in this country today are eligible and would be eligible to be called by Her Majesty to the Supreme Court to serve, and will not be eligible to do so if Bill C-232 is passed. You call that, honourable senators, “a bill of disability.”

These bills were quite common. However, with the modern times of charters of rights and freedoms, and human rights, these bills have gone away quietly. It is pointless to argue that a few minor restrictions here and there, some inconveniences, are in the same category as the disabilities in this bill.

I do not want to go further on this because I have been working hard to avoid going into the substance of the bill. I have made the point, and I will leave the point right there.

Honourable senators, there have been assertions here from my colleagues who have said that Royal Consent may be given at any stage, and here they cite Beauchesne’s paragraph 727 about the final stage. Well, that is true. However, usually Beauchesne’s and these other references are about government bills. I went to great pains yesterday to explain that a government has access to Her Majesty and is able to obtain the Royal Consent, literally, whenever they see fit. I put that before the house that problems arise and become more complicated when these bills that require the Royal Consent are moved by private members, what they used to call “independent members.” There were government members, ministers, and the others were all independents, now

private members. We must understand clearly that the questions that I raised revolved around the position of private members and opposition members who bring bills without the Royal Consent. I even described in my remarks yesterday that the Royal Consent in those instances must be obtained by a member moving an address to Her Majesty praying for the Royal Consent. An “address,” for the new senators, is the form of speaking to the sovereign. The houses speak to each other by message, but we speak to the sovereign by an address.

Honourable senators, as a part of our privileges under section 18 of the BNA Act, we have a right. If a private member brings a bill without the Royal Consent, we have a right under our privileges to speak in that debate on that motion for an address praying for the Royal Consent. I am saying that we have a privilege here to take part in a debate; to advise the Governor General as to whether or not he should give a Royal Consent to a private member.

• (1550)

Honourable senators, I encourage Senator Tardif to move such a motion, which would have the wonderful effect of having even more debate. She said that I am trying to limit debate. It would be a new and wonderful debate on whether or not the Governor General should actually grant the consent.

Having said that, honourable senators, I want to continue what I was doing yesterday, because His Honour has a huge and challenging job before him. I would like to continue to put a few more precedents on the record, if I may.

I would like to offer Your Honour another important precedent, which took place in 1844, which Sir John A. Macdonald would have been well aware of in 1879. It was called the Diocese of St. Asaph and Bangor Bill. In this instance, the bill was withdrawn because another prime minister, the Duke of Wellington, stated, at page 124 in the debates of the House of Lords, on July 1, 1844:

He had been called on, . . . to state whether or not he was authorized to give Her Majesty’s consent to its discussion; he answered that he was not so authorized; and he was not so authorized on this last stage of the Bill.

There are several other precedents. I am hoping to get some more on the record, or I can table some of them, if necessary. However, they are very clear precedents.

The important thing, Your Honour, about this particular one, the Diocese of St. Asaph and Bangor Bill, is that at one point in the debate, the Lord Chancellor expressed doubt as to whether or not he could put the motion before the house. He called on the house for advice and the house suggested — by motion — that a committee be appointed to look at the question. It is brilliant reading; brilliant debate, and brilliant, clear, lucid thinking.

The important thing is that the committee read like a who’s who of the legalists of that era in England: Lords Brougham, Campbell and Cottingham — very big names. His Honour might want to look at that. This is the second case where a prime minister was involved.

Honourable senators, it is a serious matter, and a rare matter, when a prime minister would rise on the floor and intervene at that stage and in that way because, as we know, a lot of the business of Her Majesty is done quietly and discreetly, without much ado.

Having said that, I remind honourable senators that the Supreme Court of Canada is a very strange creature. I do not know if many senators know this — Senator Murray would — but the Supreme Court of Canada was created pursuant to a power given in the BNA Act.

That power is in section 101, which says that the Parliament of Canada may provide for the Constitution, maintenance and organization of a general court of appeal. That was the grounds out of which the Supreme Court of Canada and the Exchequer Court, now called the Federal Court, were created.

Honourable senators, many are in awe at the mention of the Supreme Court, but the Supreme Court's usefulness and existence were questioned very heavily at the outset. The court had to spend many years proving itself, because frowned upon the other superior courts which were antecedent to the BNA Act and Confederation. That is very important.

Honourable senators, there is a point that no senator has raised yet. The complicating fact about Bill C-232 is that it is about justices and judges. We, as members of Parliament, have a range of practices that are called into existence whenever bills about judges are before us. I will go into that.

Honourable senators, I thank the intervening senators for their time and efforts. Bill C-232 will amend the Queen's absolute prerogative, her absolute power in appointing judges by disabling a class of Canadian persons from said appointment.

I want to repeat very clearly what I am asking His Honour to rule on. I am asking him to rule on whether or not this bill touches the Royal Prerogative; if it requires the Royal Consent; and to ensure that the proper procedure is followed.

Honourable senators, I am not asking His Honour to declare the bill out of order or anything of that nature. I am asking him to rule, as other Speakers, especially in the House of Commons, such as Speaker Lucien Lamoureux, have ruled.

I have already cited many relevant precedents and authorities directly from the original records. I would like some clarification. I frequently hear the term "the procedural authorities," and I would like to find out who they are.

Your Honour, I note the excellent books by Mr. Alpheus Todd — he is the greatest of them all. He predated and preceded Erskine May in writing. He is probably the most-quoted Canadian in court cases all over the world, especially in the past century. Messrs. Todd, Bourinot, Beauchesne and May created the most valuable and helpful reference books that guide us to sources.

Honourable senators, these writers, with their helpful summaries, however, are not the authorities and are not declaratory or authoritative. Every time we say the word "parliamentary authority," let us understand what we mean.

The authority of precedent is the actual record of the actual events in the actual words spoken in debate by the members and their Speakers in their houses — not those books or their summaries, which are subjectively written and selectively edited, with all the pitfalls that selectivity and subjectivity will bring.

My intention, Your Honour, was to place before you those true precedents and the authorities themselves. If there is doubt whether or not Mr. Gladstone was a great authority, all we need to do is to examine all the language in this place around financial bills, money and appropriations. He created much of that language.

What I am talking about, honourable senators, is not the 11th century. I am talking about modern practice as it has developed in modern times.

My true purpose, Your Honour, is to retrieve, to recover to the chair, our Senate Speaker, the sole and proper power to give rulings and to lay down precedents. That is why I have been so diligently laying out the precedents and putting them before him.

• (1600)

Honourable senators, we are the upper house. Our Speaker is not of an elected character as in the other place. He is of a vice regal character, the fourth in precedence in Canada. He is a representative of Her Majesty and a guardian of her interest in this Senate, which is the house of the throne and the house of Parliament wherein its three constituent parts, Her Majesty, the Senate and the House of Commons, may convene in Parliament assembled.

Honourable senators, it has been held by many great thinkers that true liberty and true freedom live in the rules that govern how we proceed, called the law of Parliament. This law of Parliament, the rules, forms and procedures by which our laws are made with ministerial responsibility, is probably the greatest contribution of Britain and its common law — the greatest contribution they have made to the world. I repeat, this is the notion: The King in his council in his Parliament is alive and well in our practices, and I shall show that.

Bill C-232 is about the judges. Therein, honourable senators, lies the dilemma. Parliament's rules prescribe practices regarding our approach to bills about judges. In fact, the law of Parliament prescribes the ways that we should manage such bills. The British North America Act, 1867, sections 99 and 100 charge us as members of each house with the duty to protect the judges from executive caprice, pleasure and displeasure. The act therefore grants us superintendence over them.

As a result, our practice has been that bills, measures about judges' affairs, especially salaries, pensions, selection and conduct — some higher in priority than the others — should proceed in the houses with caution, with minimum conflict and controversy, with equanimity and with as maximum agreement as we can get.

Honourable senators, it has always been thought that it is a terrible thing that a bill about judges, especially salaries, which I will come to in a minute, should proceed amidst strife and threat.

Bills about judges' affairs should not be subjected to partisanship spectacle because of the inherent negative consequences that would fall to justice. We should fear the potential crises in justice itself. I used to be in charge of the government's supply bills.

Honourable senators, as we know, judges' salaries are permanently charged to the Consolidated Revenue Fund. They are statutory charges not subject to the annual review, debate and vote as annual supply items. There is a reason for that, honourable senators. The reason is to minimize adverse or hostile criticism towards or about judges in the process during debate on their salaries and to avoid potential questions of confidence and ministerial resignations over those salaries.

There is much practice that has developed as a result of the protection that we accord to judges. However, I have to tell honourable senators that if this house ever believes that a judge were doing something very wrong, it would have a double duty to move on that.

Our practices expect that the houses of Parliament will approach bills and measures about judges with great attention, caution and care. I shall leave the question of addresses for removals and their relationship to questions of confidence and the resignation of ministers for another day.

I will throw out one item, honourable senators. In this country, we have never removed a judge in a joint address procedure. In England there was only one: Sir Jonah Barrington. It was a famous case. We have not done so, not because there have not been bad judges, but for the potential crisis that would result in justice itself and the potential for governments to fall on those kinds of questions.

Honourable senators, that is why I have said that it would be constitutionally catastrophic for us to place our Speaker in a position to have to refuse to put the question on this bill or that a senator be compelled to move a motion to nullify the proceedings on this bill if adopted without the Royal Consent.

Honourable senators, Bill C-232 about judges is large and complex, and engrossed with the prerogative law, which is purely executive and not administrative. Usually, such bills are too important and too problematic to proceed as private members' bills. In fact, parliamentary practice developed to avoid such conundrums. Formerly, ministers of the Crown were confined to their executive duties and to securing the house's agreement to those consequential measures.

With the ascent, and the advent, of responsible government — and not in the 11th Century — the roles and duties of ministers in public affairs and in measures for the common good were greatly expanded. This expansion simultaneously enlarged private members' possibilities, granting them greater and more opportunities to raise, debate and amend questions.

It became the rule, honourable senators, that all great, important and complex public measures — for example, bills about judges — should originate with a minister. In this case, that would be the Minister of Justice, ex officio the Attorney General,

attornatus rex, and the Law Officer of the Crown, the guardian of the prerogative and the curial powers — the guardian of justice itself.

Alpheus Todd wrote about this subject at page 299 in his 1869 book, *On Parliamentary Government in England*, Vol. 2:

But it has only been by degrees, and principally since the passing of the Reform Acts of 1832, that it has come to be an established principle, that all important acts of legislation should be originated, and their passage through Parliament facilitated, by the advisers of the crown.

He continued at page 299 on these events that:

... led to the imposition of additional burthens upon the ministers of the crown, by requiring them to prepare and submit to Parliament whatever measures of this description may be needed for the public good; and also to take the lead in advising Parliament to amend or reject all crude, imperfect, or otherwise objectionable measures which may at any time be introduced by private members.

Honourable senators, as I said, with the enlargement of the duties of ministers to initiate and originate public measures, private members' opportunities for debate, criticism, amendment and rejection were also enlarged, but with two important limitations. Alpheus Todd, wrote at page 300:

On the other hand it should be freely conceded to private members that they have an abstract right to submit to the consideration of Parliament measures upon every question which may suitably engage its attention, subject only to the limitations imposed by the prerogative of the crown, or by the practice of Parliament.

This is why the law and practice of Parliament prescribes the Royal Consent for bills that affect the Royal Prerogative — the purely executive law.

Honourable senators, Todd explained and summarized these developments. At page 317, he wrote:

Thenceforth, the rules of Parliament, which prohibit the introduction of a Bill to appropriate any portion of the public revenue, except at the recommendation of the crown, through a responsible minister, — and which require the consent of the crown before either House can agree to a Bill affecting the royal prerogative, — together with the admitted right of ministers, so long as they retain the confidence of the House of Commons, to regulate the course of public business — have secured the rights of the sovereign, as a constituent part of the legislative body, as unmistakably, if not more effectually than by the direct interposition of a personal veto.

What happened was that the sovereign surrendered his direct personal intervention and worked more through ministers. It is at that time in history that these practices and these rules about which I am speaking came into prominence. As the advent of responsible government was moving ahead, we find a greater preoccupation with these rules and practices.

Honourable senators, the purpose was to secure the rights of the sovereign as a constituent part of Parliament. The sovereign Queen has an abiding presence in the rules and practices of each house, something very akin to the mace on the table.

• (1610)

Honourable senators, Sir William Blackstone told us about the sovereign king or queen in his 1765 *Commentaries on the Laws of England*, Book I, at page 146, that:

... he is a single person, whose will may be uniform and steady; the first person in the nation, being superior to both houses in dignity; and the only branch of the legislature that has a separate existence, and is capable of performing any act at a time when no parliament is in being.

He said, at page 149, that Parliament is:

... the great corporation or body politic of the kingdom, of which the king is said to be *caput, principium, et finis*.

Her Majesty is *caput, principium, et finis*. That is the head, the beginning and the end. Everything about Parliament — the summoning, the prorogation, the dissolution, the Royal Assent — begins and ends with the Monarch. I want honourable senators to know that this is no relic; this is the legal system in Canada. We must understand that we are not talking about the natural person. Rather, we are talking about the Queen in her Royal political capacity, the “Royall politick capacity,” in the words of Sir Edward Coke, in which she is the representative and the embodiment of all the people. The prime minister represents some of the people; Her Majesty represents all the people.

The prerogative law is about the sovereign’s absolute duty to protect, defend and serve her subjects, and to execute justice, as sworn in her Coronation Oath, to which we are joined by our oath of allegiance.

Honourable senators, my final point is to Senator Tardif and her preoccupation with antiquity, time and the 11th century. A standard rule of these massive prerogative powers, by which most governments run, is always stated as *nullum tempus occurrit regi*, which means that time does not run against the king or against the king’s powers. The prerogative power is never lost. It may be silent for a while, it is never lost. Honourable senators should understand that.

It is therefore imperative for the stability of our parliamentary system that we recognize and uphold the balance between the law of the Parliament and the law of the prerogative. It is unthinkable, in my view, that it could be thought that a bill of this magnitude, with the consequences that it will create for justice, could proceed successfully without the support of the Attorney General of Canada.

Honourable senators, I will come to a conclusion. I thought I would have many well-thought out arguments to answer, so I came prepared. Senator Comeau has asked if I would table some of these documents, which would save the Speaker the trouble of having to pull them up. I would be happy to do so.

The Hon. the Speaker: Honourable senators, is it agreed that the documents be tabled?

Hon. Senators: Agreed.

Senator Cools: Thank you.

The Hon. the Speaker: Honourable senators, I thank Senator Cools for the point of order. I equally thank all honourable senators for their interventions, which are very helpful. I will take the matter under advisement.

NATIONAL HOLOCAUST MONUMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Yonah Martin moved second reading of Bill C-442, An Act to establish a National Holocaust Monument.

She said: Honourable senators, I would like to speak this afternoon about Bill C-442, An Act to establish a National Holocaust Monument. Before focusing on this proposed legislation, it is worthwhile to consider some facets of the contextual background leading to it.

For thousands of years, communities have erected structures to collectively commemorate important events, individuals or groups of people that have made significant contributions or who have died or suffered as a result of war or other catastrophic events. There are a number of monuments, such as the ancient pyramids and the Parthenon, known to have been constructed by ancient civilizations and many remain to symbolize these historical periods.

Many words in modern English relating to monuments find their roots in historical languages. For example, “cenotaph” is derived from the Greek words “*kenos*” and “*taphos*,” which taken together mean “empty tomb.” Similarly, the word “monument” originates from the Latin “*monere*” which means “to remind” or “to warn.”

Canadians also recognize the social importance of paying tribute to those who have given up their lives, even as innocent civilians, so that others can benefit from a better understanding of their sacrifices. This is demonstrated by the many monuments established in localities across Canada. For instance, there are close to 50 memorials in Montreal alone, and hundreds of war memorials in towns and villages across the country.

There are also a number of statues and other monuments prominently on display on federal public land throughout the National Capital Region.

The Canadian Tomb of the Unknown Soldier was added to the War Memorial in Confederation Square in 2000. It holds the remains of an unidentified soldier selected from a cemetery near Vimy Ridge where Canadians fought in the famous battle in the First World War. This tomb honours Canadians who have died during their service with the Armed Forces.

The National Aboriginal Veterans Monument is located in Confederation Park and was installed in 2001. It pays homage to the contribution of our Aboriginal men and women to Canada's Armed Forces over the years. It reflects traditional beliefs and its highest point is the symbol of the Creator.

The Canadian Tribute to Human Rights can be seen at the corner of Elgin and Lisgar Streets in Ottawa. It honours the fundamental values of personal freedom and respect for the dignity of every person. In 1988, President Nelson Mandela unveiled a plaque at the monument honouring a Canadian, John Peters Humphrey, who authored the first draft of the Universal Declaration of Human Rights. This served to commemorate the fiftieth anniversary of the United Nations Universal Declaration of Human Rights.

There are certainly other monuments of significant importance within a few kilometres of Canada's Parliament buildings that are maintained by the National Capital Commission.

As honourable senators are most certainly aware, however, Canada does not yet have a national Holocaust monument. The atrocities of the Holocaust occurred during the 1930s and the Second World War in which our country took so active a part. The Nazi state sought to eliminate the Jews of Europe and vulnerable groups, such as disabled persons. This Holocaust must have a permanent place in our nation's consciousness and memory. We must honour the memory of all Holocaust victims as part of our collective resolve never to forget. A national monument will remind Canadians of one of the darkest chapters in human history and of the dangers of state-sanctioned hatred and anti-Semitism. It will encourage future generations to learn about the root causes of the Holocaust and its consequences to help prevent future acts of genocide.

The Second World War became the most widespread and deadliest war in the world's history, with at least 100 million military personnel and more than 50 million fatalities. A substantial number of these deaths resulted from Nazi ideological policies, including the genocide of Jews and other ethnic and minority groups.

• (1620)

Canada entered that war with its the declaration of war against Germany on September 10, 1939, seven days after France and Britain declared war, and nine days after Poland was invaded by Germany.

Canadians served in our own military forces as well as in the service of various Allied countries. Our nation experienced a significant number of losses during this period. With a population of between 11 million and 12 million people at that time, approximately 1.1 million Canadians served during the Second World War. There were 730,000 personnel enlisted in the army, 260,000 in the air force, and a further 115,000 Canadians in the navy. By the end of the war, more than 45,000 Canadians had lost their lives and another 55 thousand were wounded.

In the years following the Second World War, a number of countries decided to install structures or museums to commemorate the Holocaust. The first country to erect a national Holocaust memorial was Israel, the country that had the greatest number of Holocaust survivors. In August 1953, the

Knesset, the Parliament of Israel, passed legislation that established the commemoration of Jews who died during the Holocaust, the survivors, and those who risked their lives to save the Jewish people. After a ten-year renovation and expansion project that was planned by Israeli-Canadian architect Moshe Safdie, the memorial in Jerusalem reopened in 2005.

In France, the Holocaust memorial of Paris was unveiled in 1956. Similar to that in Jerusalem, the French memorial is a crypt with a flame that burns amongst the names of concentration camps. Ashes from the concentration camps and the Warsaw ghetto have been deposited in the crypt. The French monument also underwent renovations in 2005, during which two white marble walls were added with the names of Holocaust victims who had been deported from France.

In 1980, the United States Congress agreed that a Holocaust memorial and museum should be built on the National Mall in Washington, D.C. The U.S. Holocaust Memorial Museum, which was opened in 1994, is amongst the most visited in the U.S. capital. A number of its rooms are reminiscent of barbed wire camps and fenced ghettos.

Germany's national museum commemorating the murdered Jews of Europe is located in Berlin. Designed by another renowned architect with strong ties to Canada, Daniel Libeskind, it was inaugurated on May 10, 2005, 60 years after the end of the Second World War. His design at the site incorporates over 2,700 rectangular slots made of concrete that appear like tombstones to evoke the sense of concentration camps.

Monuments and museums that are dedicated to remembering the Holocaust are situated in other countries as well, including Argentina, Australia, Greece and Hungary.

I am proud, therefore, that we are now considering a private member's bill endorsed by the House of Commons of this Parliament that proposes to establish a national Holocaust monument in our own country.

With this proposed legislation, the Minister of Transport, in his capacity as Minister Responsible for the National Capital Commission, would oversee the realization of a national Holocaust monument in the National Capital Region. The minister would rely on efforts undertaken by a council formed for the purpose of establishing this monument, as well as on the expertise of the National Capital Commission.

It is fitting that the National Capital Commission participate in planning, designing, installing and even maintaining the monument.

The National Capital Commission is responsible, under its enabling statute, to assist in the planning and improvement of the National Capital Region, coordinating the development of federal public lands in the region, and approving proposals regarding buildings and other structures on these lands. In keeping with its mandated responsibilities, the National Capital Commission has developed a comprehensive policy on commemoration. Under this policy, the commission usually receives ownership once the commemoration has been installed and the commission ensures that the commemoration is properly maintained.

The National Capital Commission identifies potential sites on public land that can accommodate the commemorative structure. In most cases, the proponent is responsible for seeking and obtaining financial contributions to cover all costs associated with the project. The most appropriate location is selected following consultations with the proponent and other stakeholders. The implementation phase of the commemoration project commences when fundraising has been completed.

A recent example of involvement by the National Capital Commission in establishing commemorative structures is the decision to erect a memorial for the victims of communism in the Garden of the Provinces and Territories in downtown Ottawa. This memorial is being realized with the efforts of an organization named Tribute to Liberty, which was created for this purpose.

Having considered a variety of background information relevant to the amendments proposed in Bill C-442, it is appropriate now to consider the bill itself.

This legislation provides that a national Holocaust monument be established in the National Capital Region and that the timeline for doing so depends on the amount of funds raised by the council for this purpose. I am convinced that Canadians have such high regard for this initiative that undoubtedly there will be ample resources to secure the establishment of this monument.

In addition to carrying out responsibilities for the realization of a national Holocaust monument as provided for in Bill C-442, the Government of Canada supports other programs that pertain to remembering the Holocaust. These efforts underline Canada's commitment to ensuring that the Holocaust is not forgotten. This is part of Canada's overall objective of combating racism and discrimination in order to build a socially integrated society.

Just over a year ago, Canada became the twenty-seventh member of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, ITF. This organization was established in 1998 under the guiding principles outlined in the Declaration of the Stockholm International Forum on the Holocaust in January 2000. The ITF is a coalition of government and non-government organizations whose purpose is to build support behind the need for Holocaust education, remembrance and research, both nationally and internationally. Members must be committed to the implementation of national policies and programs in support of Holocaust education, remembrance and research.

Canada has a long history of promoting human rights and combating hate and discrimination. In its continued efforts to remember the Holocaust, it is fitting that the Government of Canada adopt Bill C-442 that has as its objective the establishment of a national Holocaust monument in the region of our own country's capital.

(On motion of Senator Tardif, for Senator Harb, debate adjourned.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Fraser, for the adoption of the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*study on questions of privilege*), presented in the Senate on April 27, 2010;

And on the motion in amendment of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fraser, that the report be not now adopted, by that it be referred back to the Standing Committee on Rules, Procedures and the Rights of Parliament for further study and debate.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Cools is not in the chamber at this moment, but I talked to her earlier on. Given the hour, I prevailed upon her to wait until next week to speak to this issue, and she has agreed to do so.

Therefore, I move the adjournment of the debate in her name for the balance of her time.

(On motion of Senator Comeau, for Senator Cools, debate adjourned.)

• (1630)

THE SENATE

MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

Hon. Consiglio Di Nino: Honourable senators, I wish to ask Senator Day when we may expect his speech on this item, which has now been here since before Christmas.

Hon. Joseph A. Day: Honourable senators, it is always a pleasure to hear from the Honourable Senator Di Nino. I have had an adjournment for four sitting days. I am working on a reply and in due course I will be replying before the fifteenth date.

Senator Di Nino: Thank you.

(Order stands.)

[Translation]

SENATE ONLINE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the online presence and website of the Senate.

Hon. Maria Chaput: Honourable senators, I intend to take part in the debate on this inquiry, but my speech is not yet ready. I move the adjournment of the debate for the remainder of my time.

(On motion of Senator Chaput, debate adjourned.)

[English]

WOMEN'S EQUALITY IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the state of women's equality in Canada.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I note that Senator Wallin is not in the chamber and I know she does not want to have this item fall off the Order Paper; therefore, I would like to adjourn the debate in her name for the balance of her time.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Comeau, for Senator Wallin, debate adjourned.)

CANADA'S ENGAGEMENT IN AFGHANISTAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Wallin calling the attention of the Senate to the efforts and accomplishments of Canadian military members, diplomats and aid workers in Afghanistan over the past ten years, which has included significant milestones in security, basic services, economic development, diplomacy and humanitarian assistance;

The Government of Canada's plans for continued assistance to that country to build on this progress through a new non-combat role for Canada's engagement in Afghanistan until 2014 by training Afghan security forces so that Afghanistan can progressively take control of its own security and future; and

The fact that the Canadian Government will persist with its successful education and health initiatives for children, promotion of regional diplomacy and delivering humanitarian assistance to the Afghan people.

Hon. Terry Stratton: Honourable senators, it is too bad I am in the room; I could get Senator Comeau to address this. Honourable senators, I ask for this to be adjourned in my name for the balance of my time.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

(On motion of Senator Stratton, debate adjourned.)

FIRST CONFERENCE OF ARAB EXPATRIATES

INQUIRY—DEBATE CONCLUDED

Hon. Pierre De Bané rose pursuant to notice of February 8, 2011:

That he will call the attention of the Senate to the First Conference of Arab Expatriates, conference organized by the League of Arab States, that was held in Cairo, Egypt, from December 4 to 6, 2010.

He said: Honourable senators, on December 4, 5 and 6, I had the honour of attending a conference held in Cairo, Egypt, by the League of Arab States, which had invited people of Arab descent from countries all over the world to attend the First Conference of Arab Expatriates under the theme: "A Bridge for Communication."

This is the first time an event of this nature has been held by the League of Arab States, thanks to the initiative of the leagues Secretary-General, His Excellency Amre Moussa, Egypt's former Minister of Foreign Affairs and a distinguished diplomat. His Excellency has always impressed me with both his thoughtful analysis and his political courage.

Honourable senators, for the last three weeks, Egypt, where both my parents were born, has been going through the most serious crisis since it gained full independence. I am not surprised that Mr. Amre Moussa is now a key player in convincing government authorities to urgently implement the reforms that the people, especially the young generation, are calling for.

This conference gathered citizens of Arab origin from all continents: Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Cuba, Cyprus, Denmark, Dominican Republic, Ethiopia, France, Germany, Ghana, Italy, Ivory Coast, Liberia, Netherlands, Nigeria, Romania, Russia, Slovenia, South Korea, Spain, Sweden, Switzerland, U.K., Ukraine, U.S.A., Venezuela; 32 countries, as well as from the 22 Arab countries, which all had delegated government representatives, including many at the ministerial level.

This meeting between Arab emigrants and the current citizens of their original homelands is a welcome and a natural thing. What, perhaps, is less natural is that they had not met officially until now!

Honourable senators, I strongly applaud this initiative taken by the tireless statesman, His Excellency Mr. Amre Moussa, who believes that every culture should be open to all other cultures. It should influence them and, conversely, be enriched by them, especially in our era.

We live in the era of communication, which has made the whole planet a global village where the world becomes smaller year after year, to the point where we need to be instantly and continuously connected. In today's world, there are more than 200 million people living in countries different from their birthplaces. These emigrants could form a natural bridge between nations, all the more so if there is a political will to enrich the world consciousness and to enhance the dialogue of cultures rather than focus on the so-called clash of civilizations, which is so divisive, especially in a country of immigrants such as ours.

In Canada, we are fortunate to have a vibrant Canadian-Arab community exceeding 600,000 people. They are as diverse as the richness of the Arab world itself, for it is in some way misleading to speak, as many do, in general about Arabs as if they constitute a single monolithic entity. Many of those who today live in and, as a result, are influenced by the Arab world are not necessarily of pure Arab origin. They can also be Kurds, Assyrians, Berbers, Africans or, due to historical reasons, even Armenians and Greeks. Nor are they necessarily of the same religion. They could be Sunni Muslims, Shia Muslims, Roman Catholics, Eastern rites Christians, Anglicans, Jews, Druze, Animists, Yazidis and so on. They certainly do not all speak or dress alike and, importantly, have not shared a unique historical experience. Former colonizers have left distinct imprints, legacies and tradition in each area. In fact, to be an Arab in the same way it is to be Canadian, is to be part of a rich civilization. It is much more a cultural state of mind and linguistic identity than a racial characteristic.

Canadian Arab immigrants are proud people — proud of their original heritage and proud of belonging to Canada. They are, of course, forever grateful for having been invited to become Canadian citizens. In return, immigrants, and in this case, immigrants of Arab descent, have contributed immensely to the development and prosperity of our country.

• (1640)

We find Canadians of Arab descent in all walks of life, in the public sector as well as in the private sector. Among public figures, I mention the Premier of the Province of Prince Edward Island, the Honourable Robert Ghiz, and his father, who also was elected premier of the same province. Canadians of Arab descent are members of both houses of Parliament, as well as members of the provincial legislatures, ambassadors, numerous distinguished members of our diplomatic corps, deputy ministers, mayors, municipal councillors, police officers and so on.

[Translation]

Among academics, I mention the Vice-President of the Research Department at the University of Ottawa, the Vice-Rector and Chair of Arabic Studies at the University of Ottawa, the Director of French Theatre at the National Arts Centre, the President of York University, the former interim president of Carleton University and a number of deans of faculties and university professors.

Among professionals, there are well-known writers, artists, movie and theatre directors, doctors, lawyers, teachers and engineers of Arab descent.

When I was Minister of Fisheries and Oceans and had an overview of the business world in Canada, which is the second-largest country in the world, I was often surprised to meet Canadians of Arab descent in the most remote corners of the country, who were managing their businesses in the Arctic or in other remote communities.

We are the descendants of a people with a very rich past, a population that invented the alphabet and taught it to the rest of the world, one that built cities and historical monuments that still exist today — the Pyramids, Petra, Byblos, Damascus, Carthage and more — and that helped to advance science in the fields of mathematics, medicine and astronomy. During the twelfth century, Arabic numerals were introduced to the western world in Latin translations. Arabs also translated and preserved the texts of Greek philosophers and spread them throughout Europe.

Now many of us live in Canada, as first-class citizens, like all immigrants, determined to protect our new country and keep it safe, thriving and prosperous for many generations to come.

That is why I would like to propose replacing the term “expatriate” with the term “immigrant.” In its broader sense, an expatriate is an individual who lives in a country other than his or her own. However, in common parlance, the term is used to describe professionals sent overseas by their employers, in contrast with local employees, who might also be foreigners. All immigrants, without exception, have explicitly asked a country to welcome them. Almost no immigrants move to a country only temporarily and pledge their allegiance and loyalty to that country. On the contrary, while always maintaining very close ties to their country of origin, they are generally very eager to set down roots and prosper in their new country.

The goal of the First Conference of Arab Expatriates was to encourage immigrants from Arab countries to fully integrate into their adopted countries, to faithfully abide by those countries' laws and regulations, to fulfil all their civic duties and responsibilities and to work to build a solid bond with their homeland for the greater good of all involved.

That is what many dynamic communities in Canada have done, for instance, the Jewish, Italian, Polish, Ukrainian and Irish communities. The creation of a reciprocal relationship is advantageous because it helps to foster a better understanding of both countries' concerns, facilitates trade, and broadens Canada's spheres of influence. It is now up to Canadians of Arab descent to put aside temporary internal frictions in their countries of origin and take the high road for the greater good of both countries and of humanity as a whole.

[English]

Among my recollections of this historic conference held at the headquarters of the League of Arab States, I would like to report to you above all, the appreciation and enthusiasm of the participants when I informed them that the supreme law of our country states that the Canadian Constitution:

... shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

In other words, honourable senators, the Canadian Constitution states that there is absolutely no contradiction whatsoever between our loyalty to Canada and the maintenance of our cultural heritage. No small-added benefit is that the First Conference of Arabic Expatriates was an occasion to express publicly my strong allegiance to my country, Canada, as well as an opportunity to establish new and beneficial relations with citizens from all over the world, including from countries of the Arab League and members of the Arab Expatriates Department. That department is led by the dynamic director Ms. Samiha Mohey Eldine and her dedicated assistants. Enas Mostafa El Fergany, Lobna Essam Azzam, Amina Tawfik El-Sheibany and Rana Mohammed Essam.

At this time, I ask leave of all honourable senators to be allowed to table, in both official languages of Canada, English and French, the final communiqué of this conference outlining the main conclusions and decisions reached by the conference.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted to table the documents?

Hon. Senators: Agreed.

Senator De Bané: Honourable senators, I had the honour to meet with His Excellency Amre Moussa when he was the Minister of Foreign Affairs of Egypt, a position he held for 10 years. His analysis then of the top Foreign Affairs challenges showed his grasp of the most important issues that threaten world peace and future events and show his great foresight. Like all the other participants of this conference, I am fully conscious that our meeting and its success are due to his leadership and vision.

Mr. Amre Moussa has been inspirational to so many of the young generation in Egypt who lived his legacy when he was Minister of Foreign Affairs between 1991 and 2001. His charisma is immediately felt, and he is a pragmatist with a clear vision for what must be done to connect Egypt with all the world while reasserting the pride and dignity of the Egyptians. He inspired the young diplomats in the ministry because of his empowerment to all those who are skilled, which enabled them to understand and live the process of decision making and participate in solving crisis through dialogue and sound policy.

Mr. Moussa comes from one of the most prominent and politically distinguished families in Egypt in the 1930s and 1940s that fought for the liberation of Egypt from the British occupation. The enabling society and his ability to reach out to the various strata in the Egyptian society gave him the opportunity to understand the aspirations of those who were deprived of wealth. He lifted the hopes of the people to reach their dreams for a liberated Egypt and later for aspiring to a more capable Egypt where the wealth can be equally distributed. The current wave in Tahrir Square resonates with Moussa's call for acquiring for the people of Egypt their basic rights with dignity and freedom. He went to the people in Tahrir Square to express his full support as a "proud Egyptian."

• (1650)

Speaking to reporters at the annual meeting of the World Economic Forum in Davos, Switzerland, on January 25, Mr. Moussa said the following:

There is turmoil in the Arab world for so many reasons, internal as well as regional, and even international. The Arab citizen is angry, is frustrated. That is the point. So the name of the game is reform.

That is why, honourable senators, many political analysts and so many media outlets all over the world, including over a dozen Canadian newspapers, have concluded that Mr. Moussa is the most credible statesman to shoulder the responsibility to lead his country.

I hope this conference will become a permanent and regular institution with new participants, so that gradually in each country there will be a core of active members who will spread in their community the guiding principles and spirit of this conference.

I am profoundly convinced, honourable senators, that we, Canadians, must encourage such endeavours that promote understanding, mutual respect and harmony, and that strengthen the allegiance of new immigrants to our great democracy, while making the dialogue of cultures a duty of every citizen of our country in these troubled times.

The Hon. the Speaker *pro tempore*: Further debate?

Honourable senators, if no senator wishes to speak, this matter shall be deemed to be debated.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 15, 2011 at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, February 15, 2011, at 2 p.m.)

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Tuesday, February 15, 2011



THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

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THE SENATE

Tuesday, February 15, 2011

The Senate met at 2 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Acting Speaker: Honourable senators, I have received a notice from the Leader of the Opposition who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable James Tunney, former senator, whose death occurred on September 22, 2010.

I remind senators that, pursuant to our rules, each senator will be allowed only three minutes and they may speak only once, and that the time for tributes should not exceed 15 minutes.

VISITOR IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Dr. Dipu Moni, Minister of Foreign Affairs of the Republic of Bangladesh.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE JAMES TUNNEY

Hon. Elizabeth Hubley: Honourable senators, it is my honour to rise today to pay tribute to former Senator Jim Tunney. Senator Tunney and I were appointed to the Senate on the same day in 2001. We sat as seatmates in this chamber and served together on the Standing Senate Committee on Agriculture and Forestry. I am saddened by his passing.

• (1410)

I was always impressed by Senator Tunney's knowledge and passion for farming and for the agricultural industry. From a young age, Senator Tunney knew he wanted to farm. He loved farming and it was a way of life for him and his family. He was a fourth generation farmer who loved the land.

Honourable senators, Senator Tunney was not only an accomplished dairy farmer, he was also an advocate for the agricultural industry, both here in Canada and abroad. From

1993 to 1998, he made frequent trips to Russia and Ukraine on behalf of the dairy industry, where he consulted with farmers and helped them to develop a farm marketing board.

Senator Tunney served as a director of the Dairy Farmers of Canada for 18 years, of the Dairy Bureau of Canada for 8 years, and of the Ontario Milk Marketing Board for 12 years. Last September, in recognition of his lifelong contribution to the farming industry, Senator Tunney was inducted into the Quinte Agriculture Wall of Fame.

Senator Tunney was a self-educated man, an avid reader and a strong supporter of the educational system. He was active in his community and served as a trustee on the Peterborough Victoria Northumberland and Clarington Catholic District School Board for 16 years. He was also a proud supporter of his local plowing match and an advocate for local Aboriginal communities, including the Alderville First Nation.

Senator Tunney's time in this chamber was too short; nonetheless, he made an important contribution to agricultural policy through his work on the Standing Senate Committee on Agriculture and Forestry. He brought to this institution vast knowledge of the agricultural industry and a passion for supporting the small- and medium-sized farmer.

Not surprisingly, considering his name and background, Senator Tunney could barely make it through a day in Ottawa without someone asking if he was "the Tunney" of Tunney's Pasture. He was not, but he took the question with his typical good humour.

On February 1, I met with the Dairy Farmers of Canada at their reception for parliamentarians. I was delighted that so many recalled Senator Tunney and his uncompromised dedication to the dairy industry. Mr. Ron Maynard from Prince Edward Island, a member of the national board, recalled that Jim Tunney was a quiet gentleman — maybe even shy — until he stood to speak. Once he began to speak, his demeanour would change immediately and this quiet man spoke with confidence, knowledge and enthusiasm. His colleagues' respect for him was remarkable.

A strong family man, Senator Tunney will be missed by his family and friends. All those whose lives he has touched will also sincerely miss him.

I know all honourable senators join me in expressing deepest sympathies to Senator Tunney's sons, Karol and Ed; his daughters-in-law, Susan and Karen; and his five grandchildren.

Hon. Joseph A. Day: Honourable senators, it is my pleasure to rise today to pay tribute to the late Senator Jim Tunney. Senator Tunney served in the Senate from March 8, 2001, to June 16, 2002, just a few months more than one year. Though Senator Tunney served only a short time in this place, he

established a reputation as a trustworthy and hard-working individual. He was ably assisted during his time here by Ms. Trish Renaud, who was not only his executive assistant but also a great friend. They made a great team together.

Growing up in the small town of Grafton, Ontario, east of Toronto, Senator Tunney spent most of his life operating a dairy farm in the region. He knew the meaning of hard work and he knew that hard work brought good results. It was putting into practice that philosophy of life that made him such a well-liked and highly respected senator.

Senator Tunney served as a director of several agricultural and dairy boards including the Dairy Farmers of Canada, for 18 years; the Dairy Bureau of Canada for 8 years; and the Ontario Milk Marketing Board, for 12 years. On top of all this he was a trustee for the separate school board in his area. These contributions to his community speak to Senator Tunney's character in a manner that words would not do justice.

Honourable senators, one of my favourite stories about Senator Tunney speaks to his tenacious personality. It is a story about the farm that he and his wife of 37 years, Gladys, operated during their life together. As a young boy, Jim Tunney admired a local farm close to his home. As a teenager, he would walk past that farmhouse and say to himself, "I am going to buy that house one day." When he had the chance, he would knock upon the farmhouse door and inform the farmer that he wanted to buy the house. The farmer used to laugh at Jim and tell him to come back when he had some money. The farmer clearly underestimated Senator Tunney and his frugal ways. One day while in his early twenties, Senator Tunney walked up to the farmer's door and once again said, "I would like to buy the farm." He handed the farmer the money to buy the farmhouse and the farm, where he lived for the rest of his life.

Honourable senators, when I first came to the Senate, I joined the Standing Senate Committee on Agriculture and Forestry. Coming from New Brunswick, I was looking forward to working on forestry issues. The committee chair was Senator Leonard Gustafson and the deputy chair was Senator Jack Wiebe, and on the committee was Senator Jim Tunney. I learned a great deal about agriculture but very little about forestry. We have some wonderful memories of our committee's travels together in Northern Ireland and visiting local farms. One of the highlights of my time in the Senate was serving with Jim Tunney on that committee.

Senator Tunney is survived by his two stepsons, Karol and Ed; their wives, Susan and Karen; his grandchildren, Paul Shaw, Karl Shaw, Dennis Blackburn, Stephanie Shaw and Todd O'Rourke; and his siblings, Patrick and Kathleen Tunney. Senator Tunney, despite his short time here, was a credit to this institution.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I did not know Senator Tunney as I was not a member of this chamber when he was a senator. However, in the past few months, I have heard only great things about this former senator from Ontario. In fact, this past week I received a note from former Senator Eugene Whelan asking me if I could read in the Senate what he had to say about his long-time friend, James Tunney. Here is what he wrote:

During my very long public career I have met many people from around the world, from every walk and way of

life, from kings, queens, presidents, prime ministers, dictators and top corporate executives, yet none have left such a long and lasting memory as Jim has; Jim stood tall amongst all of them.

In his early teenage life he quit school to work on his uncle's dairy farm. This gave him a very strong work ethic and provided him with first-hand knowledge and understanding of farming, especially dairy farming. This led to Jim establishing his own successful dairy farm.

His dedication to the agriculture industry and particularly to the dairy industry as their representative on the Ontario Milk Marketing Board will be remembered for a very long time. As Minister of Agriculture for Canada, I often sought out Jim's advice or opinion when I had tough decisions to make. However, sometimes I didn't even have to ask for his opinion, because he would already be on the phone calling me, the Minister of Agriculture, with his opinion on what should be done to solve the problem. I always valued Jim's thoughtful advice and candour; he was a great representative for the Dairy Farmers of Canada.

Many times Jim would also call our home in Amherstburg, and if I was not there, he would talk with my wife Liz at length, and give her the message. She would relay all of Jim's messages very carefully to me, and it developed into a long-standing family relationship over many years; sadly our last conversation by phone was only three weeks before Jim left this world.

• (1420)

We will always remember Jim Tunney as a great representative of the dairy farmers, and if I was ever thought to be a good Minister of Agriculture for Canada, it was because of people like James Francis Tunney helping me to do my job.

I will never forget.

We in Canada have lost a strong voice for agriculture and a great Canadian; a real Canada builder.

It is signed:

With my Deepest Respect and Fond Memories, Eugene Whelan.

This is a great testament to a wonderful man. I wish to take this opportunity to extend my sincere sympathies to the late Senator Tunney's family.

VISITORS IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members of the family of Senator Tunney.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear.

The Hon. the Acting Speaker: Honourable senators, I also wish to draw your attention to the presence in the gallery of participants in the Parliamentary Officers' Study Program.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear.

2010 WINTER OLYMPIC GAMES

Hon. Nancy Greene Raine: Honourable senators, this past weekend many Canadians relived the fun and excitement of the Olympic and Paralympic Winter Games held a year ago in Vancouver and Whistler. It was great to watch CTV's program on Sunday night and to see our medal-winning athletes once again.

Thinking back, I remember the tension as opening day approached. The weather was terrible — warm and rainy — and it seemed the media coverage was all negative.

At a personal level, I will never forget the thrill of taking part in the opening ceremonies, especially as I stood in the dark and watched Rick Hansen coming up the ramp on the opposite side of stadium. As the flame from his torch came into view, the roar of the crowd was unbelievable.

Then the competitions got under way. The sun came out, Vancouver and Whistler sparkled, and the media had incredible stories to report. We waited anxiously for someone to win the first gold medal on Canadian soil. It was wonderful when it was Alexandre Bilodeau who won and he introduced to the whole country his older brother Frederic.

Fourteen gold medals and names for the record book: Alexandre Bilodeau, Maelle Ricker, Christine Nesbitt, Jasey-Jay Anderson, Ashleigh McIvor, Jon Montgomery and Charles Hamelin; bobsleigh pair Kaillie Humphries and Heather Moyse; Tessa Virtue and Scott Moir in ice dancing; the men's speed skating pursuit team, the men's 5,000 metre short track relay, the men's curling team and, of course, both hockey gold-medal teams.

Who can forget the emotional bronze won by Joannie Rochette?

We all have favourite moments and, for many of us, it was Joannie's performance. We will all remember and pass down the stories of what happened at our Olympics when we truly "owned the podium." For me the lasting image is of Canadians celebrating in the streets and plazas, waving the flag and bursting into *O Canada* as they walked arm-in-arm in happy throngs.

Today is Canada Flag Day, and I remember carrying the Canadian flag for the very first time into the Olympic opening ceremonies in Grenoble.

Who could have written that final chapter: Sidney Crosby scoring in overtime to win an amazing hockey gold? Thank gosh we came out on top.

Looking back, if we ask, "Was it worth it?" most Canadians say it was and the reasons are not just the medals. It is more about a new pride in Canada and a new "we can do it" attitude that I believe will last a long time.

Another reason is the new respect for the wonderful First Nations heritage that added to the games' ceremonies in so many ways.

The games created an incredible spirit that swept across Canada and ignited our country as never before.

In December, when the final financial accounting was completed, and in spite of an incredibly challenging world economy, VANOC balanced the books on Canada's biggest-ever sporting event.

Kudos to everyone who worked so hard: John Furlong and his team at VANOC, the cheerful volunteers in their blue jackets, the official coaches and especially the athletes. You did us proud. Thank you.

PRINCE EDWARD ISLAND

FAMILY VIOLENCE PREVENTION WEEK

Hon. Catherine S. Callbeck: Honourable senators, I rise today to recognize Family Violence Prevention Week in my home province, which aims to make Islanders aware of the serious situation experienced by countless women and families across the province and, indeed, across the whole country.

This devastating problem results in injuries, unbearable living conditions, broken homes and, in some cases, death.

Family violence is a problem within Canadian families of all walks of life and every social and economic status. Startling statistics reveal the severity and frequency of the issue. According to Statistics Canada, over half of Canadian women — 51 per cent — have been victims of at least one act of violence since age 16. Children's rates of exposure to domestic violence have increased by 259 per cent since 1998.

Family violence is indeed a serious and tragic issue in communities. That is why, in 1995, we established the Premier's Action Committee on Family Violence Prevention in my home province. It was made up of representatives from 17 community groups and 6 government departments, and it worked closely with police, municipalities and community organizations to address a range of issues related to family violence. It was a five-year strategy, but I am pleased to say that, 16 years, later this committee and its good work are continuing.

Over the years since its inception, the committee's "made in Prince Edward Island" approach has been recognized nationally as a model of best practice for community involvement.

Years ago, we would not have been discussing this issue, and certainly not publicly. Many people flatly refused to recognize it as a problem. Those who knew about occurrences of family violence thought that what happened in other peoples' homes did not affect them.

Fortunately, times and attitudes have changed. We recognize the impact that family violence has on our society and on our children. We have resources and services in place to assist those who need help to leave an abusive situation. We have dedicated people whose efforts on the front line — providing services, creating awareness, offering support — are truly outstanding.

We are making progress. I have high hopes that progress will continue as there is much more work to be done.

THE HONOURABLE GORDON CAMPBELL

Hon. Gerry St. Germain: Honourable senators, on February 26, a new premier of my home province of British Columbia will be selected, thus marking the end of Gordon Campbell's term as the thirty-fourth premier of B.C.

Premier Campbell's retirement from office is not without accomplishment and a bit of controversy, but in my opinion he was a builder of British Columbia, the likes of which the province has not seen since the days of the Bennett Social Credit dynasty.

First elected to the legislature in 1993 as MLA and B.C.'s Liberal Party leader, Premier Campbell went on to lead a coalition of Conservative and Liberal thinkers to the biggest electoral landslide in provincial history during the 2001 B.C. general election, capturing all but two seats.

Premier Campbell would then begin two more mandates, making him the first B.C. premier in 26 years to achieve this. At the beginning of his first term of government, the financial state of British Columbia was in ruins. We were classified as a have-not province. Through a series of tough restraints, tough decisions and regulatory reform, the B.C. economy rose from the worst to the first in Canada by 2005.

British Columbia was once again open for business and the world came back to take part in our robust economy. Upon re-election to Premier Campbell's second term of office, his government used the power of B.C.'s flush finances to build up infrastructure and services to the public.

During the biggest push of "black-top" politics since the early 1980s, Premier Campbell's government undertook major highway projects, fixing the Sea-to-Sky Highway, twinning the Port Mann Bridge and creating the South Fraser Perimeter Road. In the lead-up to the 2010 Winter Olympic Games, his government improved Vancouver's infrastructure and rapid transit.

Premier Campbell must also be recognized for improving the relationship between the province, the Crown and the First Nations of B.C. Under his leadership the province signed six treaties, most recently the Tsawwassen and Maa-nulth final

agreements. These agreements and other initiatives helped to bridge the social and economic gap between Aboriginals and non-Aboriginals in my home province.

• (1430)

Honourable senators, I know from my own observations and experiences that Premier Campbell is leaving B.C. in much better shape today than it was when he assumed office, but, like a lot of politicians who govern for the good of their jurisdiction, which often involves making unpopular decisions, he is not without his critics.

History will be the judge of this man's achievements, as it will be for so many of us. I can confidently say, without a shadow of a doubt, that his achievements for British Columbia and Canada will stand the test of time.

I ask all honourable senators to join me in thanking Premier Gordon Campbell for his service to British Columbia and to Canada.

URGENT ACTION FUND

Hon. Mobina S.B. Jaffer: Honourable senators, I rise today to speak about a special group of women. Only last week, I had the privilege of travelling to Pakistan to work with the Urgent Action Fund, a women's rights movement whose mission is to support and defend women's rights by striving to establish cultures of justice, equality and peace. This global women's fund works diligently to provide rapid response grants that enable strategic intervention and, in addition, participates in collaborative advocacy and research.

Honourable senators, I became involved with this particular group over a year ago, when we met in Amaan, Jordan. After working closely with these women during this time, I knew that I wanted to be part of this movement, as it so uniquely personified strength and unity.

I was working recently with the Urgent Action Fund in Pakistan. As I am sure honourable senators are aware, this past summer, flooding in Pakistan devastated one fifth of the country, claiming the lives of over 1,600 people while seriously affecting 20 million. This flooding not only displaced entire villages but also destroyed more than 700 schools and 400 health care facilities. Although the entire country of Pakistan was ravaged by the flooding, after meeting with several victims and service providers, I learned that women in particular were adversely affected by this disaster.

Honourable senators, the unfortunate reality is that when aid is provided, women's needs and the issues that women are uniquely confronted with are often not acknowledged. The truth is that women and children do not have the same access to humanitarian aid as men do.

This lack of access leaves women, who have often been robbed of their homes and all their possessions, forced to accept the fact that they are now particularly vulnerable to sexual assault and kidnapping. Although I am proud to report that many organizations like the Urgent Action Fund perform great work catering to the needs of women, it is time for our country to do the same.

Honourable senators, when Canada provides disaster relief, it is of utmost importance that we remain mindful of the unique needs of women. We also have the duty to ensure that mothers and daughters are not forced to bear additional burdens simply because of their gender. I urge Canada to build on the successes of organizations like the Urgent Action Fund and the women who work on their behalf such as Terry Greenblatt, Marcy Wells and Sanam Anderlini.

NATIONAL FLAG DAY

Hon. Michael L. MacDonald: Honourable senators, today we mark National Flag Day. The national flag of Canada is a straightforward and relatively simple design that has as its centrepiece the red maple leaf of Canada. There are many symbols that Canadians and others usually immediately identify with our country — the beaver, the *Bluenose*, Mounties on horseback and ice hockey — but I believe it is true to say that it is the maple leaf, as the emblem of Canada, that has proven to be the most enduring and recognizable symbol that people the world over associate immediately with our country.

That the maple leaf would become a great international symbol of our country is understandable given Canada's history. In both Central Canada and Atlantic Canada, the maple tree has served as a source of syrup and high-quality wood since the arrival of the earliest settlers.

The maple leaf rapidly evolved as a national symbol across the country. In 1834, when the inaugural meeting of the St. Jean Baptiste Society was held in Montreal, the first mayor of Montreal, Jacques Viger, spoke in its favour as a symbol of Canada. When Alexander Muir composed his stirring song "The Maple Leaf Forever" in 1867, it quickly became a popular anthem across English-speaking Canada.

The original coats of arms of Ontario and Quebec, designed in 1868, contained the golden and green maple leaves respective to both provinces. Until 1901, all Canadian coins had a maple leaf on them and the maple leaf is still to be found today on the Canadian penny.

The maple leaf was widely used as a regimental symbol in Canada during the 19th century, most notably on the sun helmets of Canadian soldiers who fought in the Boer War. Later, during the First World War, the Canadian Expeditionary Force commonly used the maple leaf on its shoulder and other badges.

Her Majesty's Royal Standard in Canada is a modified version of the Royal Standard itself, with the addition of a sprig with three red maple leaves on a white background.

The national flag of Canada first flew over the Parliament Buildings on this day, February 15, 1965, following months of what can only be described as acrimonious debate. It replaced the Canadian Red Ensign, a lovely and historically significant flag in its own right, which Canadians fought and died under during the Boer War, World War I, World War II and the Korean conflict.

It is said that time heals all wounds. I believe that to be the case with the Canadian flag. Whatever difficulties occurred in the past during the transition from one flag to another, these problems are

now confined to the pages of history. The maple leaf flag of Canada, our flag, is recognized around the world as the symbol of a rich, generous and good nation; of a people who believe in democracy and the rule of law, and who are committed to work towards the betterment of all of us who inherit this earth.

HOCKEY DAY IN CANADA

Hon. Daniel Lang: Honourable senators, this past Saturday, the eyes of the whole country were on Yukon as Hockey Day in Canada was held in Whitehorse and Dawson City.

Yukon hosted the Governor General of Canada; the Minister responsible for the North, Leona Aglukkaq; the President of the Treasury Board, Stockwell Day; and, of course, Ron MacLean, Don Cherry, and other dignitaries and hockey heroes.

It was actually "Hockey Week in Yukon," not only Hockey Day in Canada, as the Ottawa Senators alumni team played the Yukon Dawson City Nuggets in two re-enactments of the 1905 Stanley Cup game between the Yukon Nuggets and the Ottawa Silver Seven. Games were held in both Whitehorse and Dawson City. Having the Governor General lace up his skates to play a game of shinny in Dawson City has to be another shining moment in Dawson City's remarkable history of achievements.

Hockey was also celebrated in Whitehorse, which hosted the first ever regular season Western Hockey League game played in Yukon. I can attest that the game between the Kamloops Blazers and the Vancouver Giants was truly exciting and thrilled the capacity audience.

Honourable senators, our national game was celebrated enthusiastically by Yukoners from all walks of life. All of us enjoyed Yukon being showcased to Canadians across the country. Congratulations are well deserved by the Whitehorse city council and the countless volunteers, including the steering committee and their chairman, Walter Brennan, who organized a schedule that was timed down to the second. I thank all those responsible for a weekend of good fun Canadian style; a job well done.

[Translation]

ROUTINE PROCEEDINGS

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

WESTBANK FIRST NATION SELF-GOVERNMENT AGREEMENT—2007-08 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, two copies of the 2007-08 annual report of the Westbank First Nation Self-Government Agreement.

• (1440)

[English]

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PROGRESS IN IMPLEMENTING THE 2004 10-YEAR PLAN TO STRENGTHEN HEALTH CARE

Hon. Art Eggleton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to Section 25.9 of the Federal-Provincial Fiscal Arrangements Act (Statutes of Canada Chapter F-8), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the progress in implementing the 2004 10-Year Plan to Strengthen Health Care; and,

That the Committee submit its final report no later than October 31, 2011, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[Translation]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY RESEARCH AND INNOVATION EFFORTS IN THE AGRICULTURAL SECTOR

Hon. Percy Mockler: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on research and innovation in the agricultural sector. In particular, the Committee shall be authorized to examine research and development efforts in the context of:

- (a) developing new markets;
- (b) enhancing agricultural sustainability; and
- (c) improving food diversity and security.

That the Committee submit its final report to the Senate no later than March 31, 2012 and that the Committee retain until September 30, 2012 all powers necessary to publicize its findings.

QUESTION PERIOD

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

PASSPORT CANADA—ACCESS TO PASSPORTS IN PRINCE EDWARD ISLAND

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. Prince Edward Islanders are still the only Canadians who need to travel outside of their home province to obtain an urgent or express passport. These passports can be obtained only if one applies in person and, since there is no passport office in Prince Edward Island, we have to travel to the nearest office, which is in Fredericton or Halifax. Travel takes extra time. As honourable senators know, time is of the essence in an emergency.

How will this government ensure that Prince Edward Islanders can access an urgent or express passport without going outside their province?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will take the honourable senator's particular question as notice.

However, I believe I can state with absolute certainty that the whole process of acquiring passports, which took on some urgency a few years ago with changes to the border, has been one of the real success stories of the government. No longer do we hear about people having to wait inordinate amounts of time; we have sped up the process for the renewal of passports.

However, the honourable senator asks a specific question about people in need of an emergency passport on short notice, and I will take that question as notice.

Senator Callbeck: We still face the same old problem of travelling to another province for an urgent or express passport. In the event of an emergency, at a time when a person does not need the added stress of worrying about a passport, travel outside the province causes additional distress. On top of that stress, we have to pay for the gas, ferry, bridge tolls, meals and maybe overnight accommodation, all in addition to extra passport fees. We are the only province without a passport office.

Does this government have any plans to open a passport office in Prince Edward Island?

Senator LeBreton: Again, I will take the honourable senator's question as notice. I repeat that the acquisition of passports has been vastly improved. I can well understand people facing additional stress when they need an emergency passport. That is not a situation we like to see.

I will take the question as notice and return to the honourable senator with an answer.

Hon. Percy E. Downe: Honourable senators, I think the leader will find the standards she talks about regarding improvements in passports do not apply in Prince Edward Island. Senator Callbeck correctly pointed out the demands for emergency passports, but the same issues apply with the requirements for regular passports. I am contacted about this matter all the time. People have to travel for business or other reasons, and they have to mail off the forms or, as Senator Callbeck indicated, travel outside the province. Prince Edward Island is the only province in Canada where one must do that.

Can the minister find out if it is the government's intention to have the same standard of service in Prince Edward Island as everywhere else in Canada?

Senator LeBreton: My answer to Senator Downe is exactly the same as it was to Senator Callbeck: I will make inquiries with regard to Prince Edward Island.

Again, to avoid situations like these, it is in the interests of all Canadians to acquire a passport, whether or not they think they will need it, because it is a valuable document for any Canadian citizen.

Senator Downe: Given that the Canadian passport is currently available only for a five-year period, is it the intention of the government to extend the time for which passports remain valid? As honourable senators well know, many countries deny entry if a passport is set to expire within six months.

Is it the intention of the government to extend the number of years a passport remains valid?

Senator LeBreton: I believe that there have been many suggestions and recommendations, but I do not believe there has been any decision to alter the present five-year time span for a Canadian passport. I will check if there have been further discussions with regard to this matter.

[Translation]

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

MISSING AND MURDERED ABORIGINAL WOMEN

Hon. Lucie Pépin: My question is for the Leader of the Government and has to do with the Sisters in Spirit project.

The Government of Canada supports the project, but it no longer provides any funding for research or compiling of data on missing and murdered Aboriginal women. Demonstrations were held yesterday to draw attention to this government decision.

Can the Leader of the Government in the Senate tell us why the government made such cuts to the research funding for the Sisters in Spirit project, despite the quality of that research?

How does the government plan to tackle the underlying causes of violence against Aboriginal women without a solid foundation of research and reliable data?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I have indicated on many occasions, this is a serious issue in Canada. We have taken and are taking concrete steps to address the disturbingly high number of missing and murdered Aboriginal women. The investment of \$10 million announced in October will bolster law enforcement, the justice system, victims' services and community safety.

Aboriginal women deserve to be better served by our justice system and that is precisely why we have taken the measures we have. These measures include a National Police Support Centre for Missing Persons, a national tip website for missing persons and federal funding for culturally appropriate victims' services through the provinces and territories.

Honourable senators, I think the government has made great strides in addressing this serious issue in many ways. Are they sufficient? There is much more work to be done, but the government is serious about its intentions to assist the various groups and to allow our law enforcement officials to address this serious issue.

• (1450)

[Translation]

Senator Pépin: I thank the Leader of the Government for that information, but I would simply like to point out that she has been telling us the same information since December 2009, that is, that a federal-provincial-territorial working group is looking after the file on Aboriginal women. At the time, however, she promised to provide us with some figures and some hard data.

Does the Leader of the Government have any other information to share with us, other than what she has been telling us since 2009? We know the government is working very hard, but we never see any concrete numbers on this matter.

[English]

Senator LeBreton: Honourable senators, I could hardly have given the honourable senator this answer in 2009. If Senator Pépin had listened to my answer a few moments ago, the senator would have heard that we invested \$10 million in October 2010. I could have hardly provided this answer in 2009 about money we invested in 2010.

As honourable senators are aware, we have been working collaboratively with the Native Women's Association of Canada. In fact, Status of Women Canada provided \$500,000 for a project to the Native Women's Association of Canada for a project called "Evidence to Action 1" to develop tools to break the cycle of this violence. Of course, it builds on work done by Sisters in Spirit. We look forward to recommendations from the Native Women's Association of Canada once they have completed their work.

Hon. Lillian Eva Dyck: Honourable senators, I find it very interesting that the Leader of the Government is saying that her government is speaking with the Native Women's Association of Canada to support more work into the issue of missing and murdered Aboriginal women. At the same time, the leader has also said that she does not want the Native Women's Association

of Canada to continue to use the term "Sisters in Spirit" or the Sisters in Spirit logo, which is well known in Canada and throughout the world.

Why is the leader downplaying the wonderful work that the Native Women's Association of Canada has done with respect to missing and murdered Aboriginal women?

Honourable senators, in the \$10 million that has been delegated to this issue, the fear is that only a small portion of that money is actually going to Aboriginal women. The leader talks about missing persons; it was the missing Aboriginal women who brought this issue to the forefront. Will they get the majority of the money or will that be lost like the whole pool of missing persons?

Senator LeBreton: I thank the honourable senator for her question. We have not in any way, shape or form downplayed the work of Sisters in Spirit. We have worked collaboratively through Status of Women. Minister Rona Ambrose has been actively engaged in working with the Native Women's Association of Canada and, through Status of Women, provided \$500,000 to this project. It was built on the work that was done by Sisters in Spirit.

It is quite incorrect for the honourable senator to suggest that the government is downplaying or not taking into account the great work of the Sisters in Spirit.

INTERNATIONAL COOPERATION

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY OVERSEAS PROGRAM FUNDING

Hon. Jane Cordy: Honourable senators, last week in response to questions from Senator Cowan, Senator Mercer and me, the leader stated that the Canadian Teachers' Federation proposal for Project Overseas was rejected because of a lack of focus, sustainability and budgetary information. I find this unusual since the program has been sustainable for over 50 years. The focus of the project is to train teachers and develop curricula. Surely the budgetary information was discussed during the 18 months that CIDA and the teachers' federation worked together on the proposal.

Honourable senators, I also find the budgetary aspect particularly unusual since it is next to impossible to find out from this government the costs of the crime bills that are before Parliament. What will the cost be to the Canadian taxpayer?

Can the leader tell this chamber who made the decision to reject the proposal from the Canadian Teachers' Federation? Was it CIDA or was it Minister Oda?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, in all decisions made by the government, the minister responsible for the decisions makes the ultimate decision.

Concerning the Canadian Teachers' Federation, we collectively want to work with the federation to ensure students in developing countries get the best possible education. The staff members at CIDA have been working with the Canadian Teachers' Federation to help guide them in their submission and will continue to do so.

Honourable senators, I believe there is goodwill on both sides; and I believe that, as I said last week, the Canadian Teachers' Federation has been encouraged to submit a new proposal, which will be looked at seriously.

Senator Cordy: Honourable senators, the leader is right; ultimately, the minister makes the final decision. However, I do not think it is usual that the minister inserts the word "not" after a document has been signed by department officials. This is what happened in the KAIROS funding situation.

Project Overseas has sent 1,900 Canadian teachers around the world to promote education to overseas teachers. If CIDA officials thought the program did not meet the official criteria for funding, why did they not tell the teachers' federation that during the 18 months they worked together on the proposal?

I ask the leader again, where was this decision made? If the minister or the Prime Minister made the decision — and, as the honourable senator said, they absolutely have a right to do so — why not let Canadians know?

Senator LeBreton: Honourable senators, there are two sides to every story and there are at least two parties to any negotiation. I will not presume that the people who represent the Canadian Teachers' Federation were not fully aware of the negotiations in which they were involved.

HERITAGE

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION APPOINTMENT OF VICE-CHAIRPERSON

Hon. Pierre De Bané: Honourable senators, my question is to the Leader of the Government in the Senate. Interested candidates in the position of vice chair of broadcasting, at the CRTC had until June 28 to submit their curriculum vitae. When did Mr. Pentefountas submit his application?

If the honourable senator does not have that information today, I would appreciate if she could have that information tomorrow.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I cannot make a commitment. I do not believe that information with regard to when an individual applies for a position is information that is readily available.

I have to say to the honourable senator, I read the newspaper reports that somehow or other this individual went through a process and then all of a sudden there was a great revelation that the Prime Minister's Office or the Privy Council Office handled it.

I thought, "Where in the dickens have these people been?" I was in that position in the Prime Minister's Office, and all Order-in-Council positions in the government are handled by the senior staffing division in Privy Council Office, working with a senior staffing position in the Prime Minister's Office. I was in that position.

Honourable senators, when someone is chosen as the successful candidate, the Privy Council Office and the senior staff enter into negotiations. Of course, the honourable senator does not have to take my word for it; he can ask his colleague, Senator Downe because he did exactly the same thing under Prime Minister Chrétien. That is the way the system works. That this was seen as some new revelation was quite amusing to me.

• (1500)

Senator De Bané: Honourable senators, I asked the Leader of the Government in the Senate if Mr. Pentefountas had, as per the advertisement that was published in newspapers in our country, submitted his curriculum vitae before June 28. All the arguments put forward by the Leader of the Government relate to the fact that it was said in both houses that the particular asset of this candidate was his ignorance about the work of the CRTC. That fact is what makes the background of that nomination surprising. The assertion that ignorance is the best protection against conflict of interest will go down in the history of this Parliament.

Would the leader please let us know the date that Mr. Pentefountas met with the four members who interviewed the different candidates?

Senator LeBreton: I take issue with the outrageous preamble to the honourable senator's question. I did not, nor did my colleague in the House of Commons, talk about ignorance. To assume that a lawyer who went through an independent, open selection process is somehow ignorant is an outrageous statement.

The comment I made, and that I believe my colleague in the House of Commons made, was a common sense comment in that oftentimes with agencies like the CRTC, it is sometimes to the advantage of the organization not to have people appointed who have a bias on one side or the other. To me, being free of bias strengthens the organization. It is absolutely improper to say that someone of this gentleman's qualifications and calibre, who went through a process, is somehow ignorant is insulting, to say the least.

Senator De Bané: Minister, may I quote Minister Moore in the other place, who said the following in relation to what the NDP member said:

The member says that Tom Pentefountas does not have experience. Another way of saying that is that he has no conflicts of interest . . .

Let me remind the leader what was expected according to the advertisement that was published in all the papers of this country: experience in the operation and conduct of a quasi-judicial tribunal; proven senior level decision-making experience; experience formulating cultural and regulatory policy; extensive knowledge of the legislative framework and mandate of the CRTC; knowledge of the theories, practices and procedures related to administrative justice; an understanding of the relevant global, societal, economic trends; knowledge of broad issues related to media conversions would be an asset.

No one argued that he had those qualifications, which were listed extensively in the advertisement. I will put it another way: why is it that the 10 other candidates were rejected? I will give the

minister one example. One commissioner of the CRTC is Suzanne Lamarre. She is a member of the *Bureau du Québec* and the Association of Professional Engineers and Geoscientists of British Columbia, an engineer to boot, and has 25 years of experience in regulatory framework. Why was she not considered? Why is it that the vice-chair, who was there and whose mandate was completed recently, was not invited for an interview despite submitting his CV? Today, we learn that he has been hired as a consultant to the new vice-president.

Senator LeBreton: First, it was presumptuous when the honourable senator read the criteria of the position to presume that Mr. Pentefountas does not have extensive knowledge. I repeat: the individual went through an independent, open selection process through the Department of Canadian Heritage. Obviously, having satisfied the criteria, he was appointed to the position. I am not, nor are most of us, I am sure, privy to all the information and all the people who applied and what process was followed. However, it is inappropriate to suggest that a successful candidate is, for some reason, not the proper candidate and that the honourable senator has another candidate. It is a ridiculous set of circumstances.

The gentleman in question satisfied an independent, open selection process, and to suggest that somehow this individual with his background and training cannot fulfill his functions is highly insulting and, frankly, elitist.

Senator De Bané: Honourable senators, the mandate of the chair of the CRTC, Mr. Konrad von Finckenstein, will expire in less than a year, on January 25, 2012. Is it true that by appointing Mr. Pentefountas to be the vice-chair that Mr. Pentefountas will succeed Konrad von Finckenstein in less than a year? Is it normal for a man who knows nothing about a sector that brings \$60 billion a year to the Canadian economy to be elevated to the chair of the CRTC in less than one year?

Senator LeBreton: That may be how the Liberals used to do things, but I dare say that, in this case, when Konrad von Finckenstein's term is up, I am certain that the Minister of Canadian Heritage will take his responsibilities seriously, and make a decision after the appropriate processes of naming his replacement.

I do not have a crystal ball. I cannot see into the future. I have no idea who the next chair of the CRTC will be.

Senator De Bané: Honourable senators, on September 17, 2008, Prime Minister Harper said in the Saguenay that he would consult with the Government of Quebec before appointing the vice-chair to the CRTC. My question now is a question of fact. Was the Government of Quebec consulted prior to the decision of February 4, 2011, in regard to the appointment of Mr. Pentefountas, as the Prime Minister of this country promised in the Saguenay?

• (1510)

Senator LeBreton: Honourable senators, we are talking about the Canadian Radio-television and Telecommunications Commission.

In answer to the honourable senator's question, I believe the government, on all appointments, has opened up the process. It advertises positions and works closely with senior staffing in the Privy Council Office. The government trusts its ministers, and especially the process that we have set in place to seek out qualified individuals, to ensure they go through a rigorous process and then, following that process, to appoint them to various positions in the government, which is entirely within the rights of the government and the minister.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

VETERANS AFFAIRS—RECOMMENDATION OF THE SPECIAL NEEDS ADVISORY GROUP

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 35 on the Order Paper—by Senator Downe.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND— AMENDMENTS FROM COMMONS CONCURRED IN

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator Demers,

That the Senate concur in the amendments made by the House of Commons to Bill S-6, *An Act to amend the Criminal Code and another Act (Serious Time for the Most Serious Crime Act)*; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, last week we noticed that the message that came from the House of Commons contained an error. After checking and identifying the error, the law clerks of both chambers reported that it was minor and could be corrected by an exchange of messages, and that a corrected version of the bill would be submitted.

The next day, following a question raised by Senator Murray asking if the person who had identified the flaw was satisfied with the explanation, I had to consult this person, who was not in his office last Friday. I was finally able to reach him today and he indicated that he was very satisfied with the explanation and the solution.

If Senator Murray is satisfied with this answer, could we possibly proceed with the vote on the issue?

The Hon. the Acting Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

(Motion agreed to on division.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator MacDonald, for the second reading of Bill C-21, *An Act to amend the Criminal Code (sentencing for fraud)*.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Would Senator Poulin indicate when she plans to speak to Bill C-21?

Hon. Marie-P. Poulin: I firmly intend to do so when we return from the break.

(Order stands.)

[English]

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Rivard, for the second reading of Bill C-35, *An Act to amend the Immigration and Refugee Protection Act*.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I want to ask the same question of Senator Jaffer on Bill C-35. When might we expect her to speak to this important bill?

Hon. Mobina S.B. Jaffer: I will speak on this bill when we return from the break.

(Order stands.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. W. David Angus moved second reading of Bill C-30, *An Act to amend the Criminal Code*.

He said: Honourable senators, it is a pleasure to begin second reading debate on Bill C-30, the response to the Supreme Court of Canada Decision in *R v. Shoker Act*.

The objective of this bill, consistent with the Harper government's commitment to safeguard our Canadian communities, is to ensure compliance with court-ordered prohibitions on the consumption of illicit drugs and alcohol.

This bill was originally tabled as Bill C-55 on October 30, 2009, in the last session of Parliament. It was reintroduced in the same form in the present session on May 31 of last year. It passed third reading in the other place just before Christmas, after agreement was achieved amongst all parties to expedite its consideration at committee and report stage by deeming it to have been considered in Committee of the Whole, reported without amendment, read the third time and was passed, I believe, unanimously, on December 10, 2010.

I understand, honourable senators, that all parties chose this path on the basis of their agreement that the proposed legislation is balanced and urgently needed.

As its title states, Bill C-30 is the government's response to the Supreme Court of Canada decision on October 2006 in *R v. Shoker*, which held, in a constitutional challenge, that there was no statutory authority, in the Criminal Code or elsewhere, for a judge to require provision of bodily samples as part of a court-ordered probation condition to abstain from the consumption of alcohol or drugs.

[Translation]

The purpose of this bill is to help control repeat criminal behaviour by ensuring that individuals comply with court orders prohibiting drug and alcohol use.

Prior to October 2006, a number of provisions in the Criminal Code allowed the court to impose conditions forbidding the consumption of alcohol or non-prescription drugs. Typically, these conditions were placed on individuals whose criminal offending pattern was linked to addictive substance abuse.

In order to verify compliance with abstinence conditions, courts would often also attach a condition that required an offender to provide bodily samples on demand to police and probation workers.

Refusal to provide a bodily sample, or providing a sample that tested positive for drugs or alcohol, often resulted in prosecution for breach of conditions and carried serious penal consequences.

Even the threat that a sample could be required was an effective deterrent to substance abuse and potentially to further criminal conduct as it reinforced the belief of the offender that there was a high probability of being caught.

However, in October 2006, the Supreme Court of Canada in *R. v. Shoker* held that, while these provisions gave the courts the authority to impose a condition prohibiting drug and alcohol consumption, there was no such authority for a court to require these offenders to provide bodily samples to prove compliance.

• (1520)

This decision significantly hampered the ability of police and probation officers to monitor offenders in the community, those under court order whose criminal conduct and pattern of re-offending were often tied to substance abuse and addiction.

Honourable senators, the proposed amendments to the Criminal Code in Bill C-30 would allow a judge to impose conditions requiring bodily samples to be provided and for conditions to be included in probation orders, conditional sentences and peace bonds.

[English]

Honourable senators, the context was the following: The defendant Shoker had originally been convicted of one count of breaking and entering a private home with intent to commit an indictable offence, namely, sexual assault. He was sentenced to 12 months in custody, followed by two years of probation.

The probation order included two conditions: first, that Shoker abstain from the consumption of illicit drugs or alcohol and, second, that he supply a bodily sample on demand to ensure compliance with the first condition.

At that time, such conditions were commonplace and generally accepted as proper and legal. For example, from April 1, 2005 to March 31, 2006, some 236,000 individuals in Canada were convicted of a Criminal Code offence. Of these convictions, 105,000 of the sentences involved probation orders, the most common punishment imposed by all courts in Canada. By comparison, about 80,000 defendants were given a sentence of imprisonment and just under 11,000 received conditional sentences.

Honourable senators, data from the Canadian Centre for Justice Statistics also suggests that the condition imposed most frequently by judges as part of a probation order, aside from the mandatory conditions to keep the peace, be of good behaviour, appear before the court as required and notify the court of change of address or occupation, has been the specific condition to abstain from the consumption of illicit drugs and alcohol.

Honourable senators, prior to the Shoker decision, in most such cases, the courts added a condition for the offender to provide a bodily sample to police or probation officers on demand.

The reason for the courts' heavy reliance on these conditions is fairly obvious, I would submit, given that criminal court judges see every day the impact of substance abuse on our communities. They know all too well that the ability to rehabilitate the majority of criminal offenders in Canada is closely linked to the ability of the offender to overcome addiction and substance abuse.

Studies of Canadian offender populations also indicate that the more serious the offence, the greater is the link to drug and alcohol abuse. For example, about 80 per cent of offenders sentenced to a term of two years or more cite drugs or alcohol as a cause of their having offended.

Honourable senators, the data also clearly reveals that much of this crime is committed by offenders who are seeking money to fund their addictions. Some 38 per cent of offenders with substance abuse problems sentenced to a federal penitentiary committed their current offences to support such addictions.

From a policy perspective, it seems clear that any serious endeavour to make our communities safe must include an effort to control drug and alcohol abuse. A key element of this has been the condition to abstain from consuming drugs and alcohol. However, in order to ensure that offenders comply with such a condition, experience shows that police and correctional workers must have the tools to monitor such individuals. Honourable senators, since the *Shoker* decision, the capacity to monitor these offenders has been severely compromised.

Hence, this Bill C-30, which purports to restore the ability of judges to order bodily sampling to monitor compliance. In my respectful submission, honourable senators, it does so in an effective, efficient and fair way, consistent with the Canadian Charter of Rights and Freedoms.

As I mentioned previously, the probation conditions to abstain from drinking and illicit use of drugs and to submit bodily samples imposed on Mr. Shoker were commonplace, generally believed to be necessary to ensure public safety, and indeed legal at the time. However, Mr. Shoker and his lawyers disagreed and appealed the sampling condition to the British Columbia Court of Appeal, arguing that the condition to provide a bodily sample was a *prima facie* breach of his section 8 Charter rights to be free from unreasonable search and seizure and thus unconstitutional. His appeal was upheld, the B.C. court finding that “obtaining bodily samples” did not satisfy the three-part test previously established in 1987 by the Supreme Court of Canada in *R. v. Collins*, namely: first, that the search be authorized by a provisionary law; second, that such law was reasonable; and third, that the search itself was conducted in a reasonable manner.

The B.C. Court of Appeal held that because the probation condition permitted police to make such a demand of Mr. Shoker for a blood sample, it was overly intrusive, and thus failed the third part of the *Collins* test.

The B.C. Attorney General appealed that decision to the Supreme Court of Canada, which, in October 2006, also ruled in favour of Mr. Shoker, but for different reasons. Specifically, the Supreme Court held that there was simply no express statutory authority in the Criminal Code or elsewhere allowing courts to impose a condition to provide for a bodily sample, and so it failed the first element of the *Collins* three-part test. In effect, there was *une lacune*, or a gap, in the law.

The fallout from the *Shoker* decision in the fall of 2006 was immediate and widespread: probationers were still being subjected to conditions to abstain from drugs and alcohol, but they knew they could no longer be ordered to provide a sample that could be used in a criminal proceeding for breach of their probation condition. These consequences soon spread to conditional sentence and peace bond conditions, given the close similarities between those Criminal Code provisions and the probation provisions.

Therefore, honourable senators, in the wake of this decision, the Government of Canada understandably proceeded immediately to consult with justice, corrections and police officials across Canada to identify the most appropriate response — one that would ensure compliance with these

abstention conditions, but in a way that would fully respect the section 8 Charter right of an individual to be free from unreasonable search and seizure.

Thus, as you will surely understand, honourable senators, Bill C-30's objective is to provide necessary legal authority to our Canadian courts to require that bodily samples be taken from offenders on probation.

In my view, Bill C-30, as drafted, appears to accomplish this objective and, if passed, will ensure a fair and constitutional sampling regime.

[Translation]

The proposed amendments will give a court the authority to impose conditions requiring bodily samples to be provided to police and probation officers on demand or at regular intervals where the court sees fit to prohibit the individual from consuming drugs and alcohol. Bodily samples can include breath, blood, urine, saliva, hair and sweat samples. The amendments will allow for conditions to be included in probation orders, conditional sentences and peace bonds.

[English]

In-depth consultations with provincial and territorial justice, correctional and police officials also indicated that an essential aspect of any legislative reform needed to take into account the varied needs and practices of front-line justice workers from coast to coast to coast. What works, for example, in downtown Toronto would simply not be feasible in rural Manitoba or New Brunswick, and what works in the farming communities of southern Saskatchewan would simply not work in Canada's three northern territories or in the outports of Newfoundland and Labrador.

These consultations identified three key issues needing to be addressed in any reasonable and proper legislative response to the *Shoker* case.

First, and most obviously, the bill must ensure that the lawful authority is put into place on the statute books to allow bodily sample conditions for those provisions in the Criminal code that have been affected by *Shoker*.

• (1530)

Second, it was necessary to ensure that the bill could withstand constitutional challenges based on the second and third arms of the *Collins* test, that the search and seizures in the form of bodily samples taken, stored and analyzed by the authorities will be conducted in a “reasonable manner.” Finally, it was necessary to ensure that any national scheme imposed by the new legislation would need to be flexible enough to allow for front line justice workers in all areas of Canada to deal directly with offenders and their samples in an effective and fair manner given the local conditions.

Honourable senators, I am comfortable that Bill C-30 satisfies these concerns. First, Bill C-30 gives clear authority for a court to exercise its discretion to impose a condition requiring an individual who is subject to a condition to abstain from the

consumption of drugs and alcohol as part of a probation order, conditional sentence or peace bond to provide a sample on demand. The demand for a sample may only be made by specific individuals designated under the authority of the act, and the demand may only be made where there are reasonable grounds to believe or suspect that such offender has breached the prohibition condition to abstain.

In addition, the court may also impose a condition requiring the individual to provide a sample at regular intervals. This additional condition could be imposed at the discretion of the court in cases where there appears to be a greater likelihood that the offender will have difficulty staying drug and alcohol free, thus requiring a higher level of scrutiny.

The bill also addresses the type of sample that can be taken from an individual. During the aforementioned consultations, provincial and territorial officials, scientific experts, police agencies and probation officers consistently responded that authority to demand all types of samples is necessary to ensure that there is an ability to identify the ever-expanding list of illegal drugs, when those drugs were consumed, and the various ingenious methods used by offenders to avoid detection.

The second issue of concern raised in consultations, i.e., the need to ensure that the law is "reasonable" and that the searches that will take place under the law will be "reasonable," is addressed in Bill C-30 in a number of ways. The proposed authority to demand a sample is tailored to the specific type of proceeding under which the condition is being imposed. Under probation orders and peace bonds, for example, individuals are not under an active sentence of imprisonment and, as such, the demand for a sample may only occur where there are "reasonable" grounds to believe that the offender has consumed drugs or alcohol. This is a very high standard, I submit, and one that requires more than a mere suspicion. It traditionally requires some hard, fact-based evidence.

The standard is lowered somewhat for those under a conditional sentence of imprisonment where a sample may be demanded where there is a reasonable ground to "suspect" a breach has occurred. While this is a lower standard, it would be justifiable given that the offender is under a sentence of imprisonment and, thus, does not enjoy as high an expectation of privacy as other individuals in the community.

[Translation]

Honourable senators, the proposed provisions will ensure that the samples can only be taken and analyzed to enforce compliance for the duration of the court order. The ability to make a sample demand will be limited to situations where there are reasonable grounds to believe that an individual has breached a condition when they are subject to a probation order or peace bond, and reasonable grounds to suspect when they are subject to a conditional sentence. A court may also order an individual to provide samples at regular intervals where such a condition is justified in the circumstances.

[English]

In addition, honourable senators, specific operational safeguards in the actual taking, storing, testing, and use of any samples taken must be put into place in every jurisdiction in

Canada before a sample can in fact be demanded and taken. While each jurisdiction will be responsible for designating these operational parameters, the federal government will always retain the ability to put into place specific minimum standards through its regulatory powers under the legislation. This should ensure that the sampling, handling and testing procedures used across Canada will be applied consistently within jurisdictions while respecting concerns regarding the privacy of the individual and the integrity of the sample taken.

Honourable senators, this next part is very important. The use by the Crown of any sample taken is also restricted under Bill C-30 to the very specific purpose of ensuring compliance with the probation condition. In other words, a sample demanded and taken under this authority cannot, in turn, be used to obtain DNA evidence for some other criminal investigation. The legislation also requires all jurisdictions to dispose of any samples taken within a specific period of time absent the necessity to retain them for the purpose of pursuing a breach of the probation condition itself.

[Translation]

Samples obtained under these proposed amendments will be restricted for the purpose of compliance with the prohibition conditions, and will be destroyed once the condition has expired.

[English]

Finally, the third major consideration in designing this legislation, i.e., incorporating flexibility between and within provincial and territorial jurisdictions to ensure that sampling can be operationally feasible from coast to coast to coast is, I submit, well ensured in Bill C-30.

Specifically, the legislation is not intended to and does not make it mandatory for justice workers to collect a sample at any time. Once the court has imposed a condition, it is up to those on the front line supervising the individual under probation to make the determination of whether or not to take the sample. Even where a condition is imposed by the court to allow for a sample at specific intervals, it is up to the probation officer supervising the convicted individual to establish what the interval should be and whether or not to actually take a sample.

Bill C-30 also gives all provinces and territories the necessary flexibility to establish their own set of operational rules for their officials who supervise offenders and who will be tasked with administering the sampling scheme. The provinces and territories will establish where offenders must go for various types of samples to be collected and who can collect what types of samples, such as trained medical practitioners in the case of taking blood samples. They will establish the procedure by which samples are collected to ensure privacy and how samples are to be stored once they are collected to safeguard against contamination and spoiling. They will establish where the samples are to be sent for testing, and finally, the method by which samples are to be destroyed to ensure proper respect for offender privacy and for public health purposes.

Honourable senators, unless and until each of these enumerated requirements in the legislation are spelled out by the attorney general of a province or a minister of justice of a territory, no sample can be demanded or collected under the authority of the legislation after its enactment. This framework will provide

flexibility to accommodate the unique operational requirements of each of the provinces and territories while still allowing the federal government to stipulate minimum standards nationwide if and when required.

At a practical level, this design should result in encouraging each jurisdiction to sample offenders more frequently, which, in turn, would ensure better compliance with probation conditions. It will also have the benefit of allowing the jurisdictions to tailor specific sets of rules for specific areas within the province. For example, the Attorney General of Ontario could establish one set of rules for downtown Toronto and another specific set for Aboriginal offenders living in remote northern communities and on reserves in Ontario. Again, this will benefit everyone as it will be easier to monitor offenders to ensure that their compliance rates are high, thereby enhancing public safety within the communities.

Honourable senators, in my respectful view, Bill C-30 achieves the two competing objectives of ensuring that all regions of Canada can adapt the to their needs while still maintaining the ability to impose national standards to ensure adequate privacy and fairness. As a result, all 13 provinces and territories have advised the Minister of Justice and officials at Justice Canada that they not only support this bill but also urge Parliament to pass the bill as quickly as possible.

• (1540)

In conclusion, honourable senators, I believe that Bill C-30 deserves the support of each and every one of us in this chamber because it is a fair and effective response to the decision of the Supreme Court of Canada in *R. v. Shoker*. It gives provinces and territories the operational flexibility they need, and it is consistent with the Charter.

I trust that shortly the bill will be referred to the Standing Senate Committee on Legal and Constitutional Affairs for careful study and review. In particular, I look forward to hearing the Honourable Senator Baker, who is not here today, as he has the mandate as critic of the bill to give us his analysis of the *R. v. Shoker* decision and any other relevant jurisprudence.

Hon. Lowell Murray: Will the honourable senator accept a question?

Senator Angus: Yes.

Senator Murray: I thank the honourable senator for a comprehensive, and incomprehensible to this layman, explanation of the bill. I followed along in the bill as he spoke. It is obvious, of course, that he has read the judgment of the Supreme Court of Canada in *R. v. Shoker*. Can the honourable senator tell the house whether the Supreme Court of Canada suggested a remedy, such as the one contained in this bill?

Senator Angus: My understanding is that the Supreme Court was clear on this matter. I have the language somewhere in these papers before me to the effect that it is not their role to come up with a remedy. Rather, it is our role as legislators to do so. The Supreme Court pointed out the lacuna, or obvious gap, in the legislation and said that Parliament should get to work fixing it.

Senator Murray: I appreciate the answer. However, had they given some broad hints to Parliamentarians, it would not be the first time, as the honourable senator is aware.

There is nothing new in Parliamentary legislating to take account of a decision of the courts that strikes down all or part of one of Canada's laws. Bill C-30 is entitled, An Act to amend the Criminal Code. What intrigues me is the line in the bill, "Alternative Title," with which I am not familiar. The bill states at clause 1:

This Act may be cited as the *Response to the Supreme Court of Canada Decision in R. v. Shoker Act*.

Perhaps I have not been paying close enough attention, but I find it unusual to have a title that highlights the fact that we have to legislate because the Supreme Court of Canada has made a certain judgment. Perhaps the honourable senator can tell the house whether he is aware of any precedence for this title in legislation and, in any case, whether this title is the government's way of expressing its displeasure and scorn for the Supreme Court of Canada.

Senator Angus: Honourable senators, I am able to say only that in anticipation of interesting questions, such as those of the Honourable Senator Murray, I took the liberty of reading the *House of Commons Debates*. Of course, the alternative title says it the way it is: this bill is a response to the Supreme Court decision in *R. v. Shoker*. That is what the bill is. I understand that there has been considerable criticism in recent months of some of the titles that have found their way into some of the proposed government legislation that has come forward in the area of criminal justice. I can find nothing but plaudits for this title. If that is helpful, those are my comments.

Senator Murray: I have not had the opportunity and I did not take the occasion to read the debates of the other place. If there were plaudits for this title, I am glad to have the assurance of the honourable senator. Hundreds of times Parliament has legislated to take into account a judgment of the court and to correct lacunae in the legislation. I am not aware of any instance in which we have given an alternative title to a bill, namely response to the Supreme Court of Canada decision in a case. I will leave it at that, take the honourable senator's advice and look up the House of Commons Hansard.

Hon. Joan Fraser: Honourable senators, I have a question for Senator Angus. I am intrigued by the phrase "alternative title." Usually we say "short title," but they are becoming longer than the real titles. However, that is not my question.

I thank the honourable senator for his remarks, which, as Senator Murray said, were clear, detailed and helpful. Given the honourable senator's service on the Standing Senate Committee on Legal and Constitutional Affairs, in particular during its study of DNA, he will not be surprised to learn that my ears pricked up when he talked about the samples that can be taken. The honourable senator was comfortably clear about rules to safeguard the use of these samples. Of course, presuming the bill is referred to the Legal Committee, that aspect will be examined.

In the meantime, the honourable senator said that samples cannot be used to provide DNA for use in investigating another offence. Can they be used to provide samples for the DNA databank — the Convicted Offenders Index? If a sample is to be entered in the Convicted Offenders Index, does it have to be a separate sample?

Senator Angus: I thank the honourable senator for the question. As she knows, together we have participated in a most interesting study arising out of the statutory review of the DNA legislation. My first question was about the potential to create a slippery slope.

On the face of the act, it is absolutely clear that it cannot be used for any other purpose than that which is related to the probation order and the ensuring of compliance therewith; and I assume that special regulations will be made. Samples are not to go to the DNA databank. I specifically asked that question of officials at Justice Canada to be sure that was the case. I can assure the honourable senator of that, as I needed the same assurance, to be honest.

(On motion of Senator Tardif, debate adjourned.)

[Translation]

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rivest, seconded by the Honourable Senator Lang, for the second reading of Bill C-288, An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is the thirteenth day of debate on this bill. Since I do not want this bill to die on the order paper, I would like to move adjournment of the debate for the remainder of my time.

(On motion of Senator Comeau, debate adjourned.)

• (1550)

[English]

STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

SIXTH REPORT OF FISHERIES AND OCEANS COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report (interim) of the Standing Senate Committee on Fisheries and Oceans, entitled: *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*, deposited with the Clerk of the Senate on December 20, 2010.

Hon. Bill Rompkey moved the adoption of the report.

He said: I am sure all honourable senators are aware of the iconic value of Canada's lighthouses on both coasts. Those of us who come from the coastal areas are perhaps aware of not only their iconic value, but also the emotional attachment people have to them and, indeed, the continuing utility of lighthouses because they still serve mariners and aircraft at the present time.

Furthermore, lighthouses can potentially enrich Canadian communities in the future. Lighthouse tourism is a growing trend.

Our committee has been studying two aspects of lighthouses: first, their preservation, on which we are reporting later this spring and, second, the issue of the staffing of lighthouses or "de-staffing." Some of us have a problem with that word, but we have been able to find no alternative, so it is the de-staffing of lighthouses on which we are reporting.

Our report is entitled *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and in British Columbia*, because those are the only two provinces that still have staff in their lighthouses. I want to speak to that report today, and the question of whether or not there should be staff in the lighthouses on those two coasts.

Traditional lightkeepers have vanished from most lighthouses in Canada. Most lighthouses are now automated — often solar powered — and they do the work, or they are supposed to do the work. We all remember our first LP record player and how the needle would get stuck and the song would go on and on and on. That can happen. Technology is not perfect. From time to time, those new inventions malfunction.

There are lightkeepers at approximately only 50 sites, roughly half in British Columbia and the other half in Newfoundland and Labrador. In 2009, the Canadian Coast Guard advanced a plan to remove Canada's remaining lightkeepers from those regions. The Coast Guard took the view that eliminating those jobs would be a better use of taxpayers' dollars. The agency had earlier made several such attempts in those two provinces. On all occasions, public opinion averted full-scale closures.

I must say that the outcry in British Columbia was particularly strong, and we owe the people who are interested in the lighthouses in British Columbia a great deal for having delayed the process.

This time, the Minister of Fisheries and Oceans asked if our standing committee would study the question and make recommendations, which is not terribly unusual. I remember the Minister of Defence doing the same thing in 1993. Some senators are still in the chamber who sat on that committee. Therefore, it is not completely unusual for a minister to ask a committee to study a question, but it does not happen every day. I was interested that she asked this particular committee in this chamber and not the committee in the other place. Of course, we have to commend her for her judgment in that respect.

Our committee agreed to do the study and, speaking for myself and perhaps other members of the committee as well, it is one of the most satisfying things that I have been involved with. It is not

up there on the Richter scale with tax policy or jails or whatever, but it is an important issue for the people on the coasts. They welcomed this study and they welcomed us with open arms. After all, it was members of this chamber, such as Senators Pat Carney and Mike Forrestall, and now Lowell Murray who has adopted the mantle of those two who came before him, who brought the Heritage Lighthouse Protection Act into law. We agreed to study the staffing question and we broadened our terms of reference to include lighthouse preservation in general.

For the initial report on staffing, we held hearings in Ottawa and we made regional visits. A number of committee members travelled first to Nova Scotia, where lighthouses were de-staffed in past years, to learn from that experience, and we made similar fact-finding visits to Newfoundland and Labrador and to British Columbia.

Originally we had planned public meetings in those provinces with simultaneous interpretation and full transcription, but because we had limited funds available to us, as many committees have found over the past year or so, we wound up making only fact-finding trips rather than formal recorded hearings. In one way this was a shame, because people in those remote areas see us so seldom and so seldom feel that their voices are heard at the centre of the country. It is this particular chamber, I would think, which carries the flag of the Parliament of Canada to the remote regions of this country so often. We should do it more often. It is when we do it that we are appreciated most, I think, as a chamber.

Wiser heads decided that we did not have the money to take the full committee, so we did a fact-finding trip. However, it turned out to be a very informative experience. We spent nearly a week in each province. We met with a wide variety of stakeholders, community groups and interested individuals. We heard from more than 240 people in all. That shows there was a great deal of interest.

We travelled by road and helicopter to as many lighthouses as we could, looking over the structures and talking to the lightkeepers themselves. Everywhere we went, coastal people told us that a human presence on remote coastlines reinforces sovereignty itself and that lightkeepers can provide emergency aid.

I want to point out an interesting fact on the question of sovereignty. On both coasts there is a place called Green Island, which is important for Canadian sovereignty. The first, on the East Coast, is just off Fortune Bay, between Fortune Bay and St. Pierre and Miquelon, which of course are two French islands.

The lighthouse is exactly on the margin between our two countries. It was driven home to me forcefully that this is a presence of the Government of Canada on its perimeter. The only lighthouse that has been saved for that purpose is one in New Brunswick, at Machias Seal Island. I believe.

Hon. Jim Munson: We did a news story on that — the last disputed territory between Canada and the United States.

Senator Rompkey: Senator Munson will get his chance to speak in a moment.

As I was saying, it brought home forcefully that this lighthouse is providing a Canadian presence in an important matter of sovereignty.

The other one is Green Island on the north coast of British Columbia. I stood in that lighthouse and I could see Alaska and I could see the marine line between our two countries.

• (1600)

This issue is important, and it is one of the services that our lighthouses provide. They are not all in that category but some are. For that reason, I think they should be preserved.

The regions where lightkeepers still work include some of Canada's most remote and isolated coasts, outside the Arctic. These keepers serve this country in more ways than most people know. We talked to airplane pilots with 40 years of experience who told us, particularly in British Columbia, that those lighthouses and the keepers in them were important for their travel. Air travel is increasing on the West Coast of British Columbia with that kind of small plane that needs lighthouse reference.

I think BC Ferries is the biggest ferry company in the world. They told us that those lighthouses were important for their operation. We heard from ferry operators, pilots, fishermen and tourist operators. All of them said that those lighthouses and the keepers in them were important for the future.

On both coasts we heard that nothing could replace the structure. The tower itself, apart from the light, is a point someone can use to take a bearing. If lighthouses are taken away, we remove one of the ways a ship coming to land can find a bearing.

By the way, I discovered today that India is in the process of establishing lighthouses every 30 miles along their coast and they are hiring lightkeepers. There is a disconnect there somewhere. Canada is firing lightkeepers and India is hiring them. I think it is worth finding out why.

We also heard about lightkeepers' assistance to environmental monitoring, climate studies, whale research and ecological reserves.

Tourism is another issue, and tourism benefits everyone. At Crow Head near Twillingate on the east coast of Newfoundland, we heard from a local development committee that a knowledgeable keeper in an upgraded light station can help increase their tourist visits from 40,000 per year to 55,000 per year. Those lighthouses are a draw for tourists. The interest is not only in the lighthouse itself; someone must be there to explain the purpose of the lighthouse, its function and how it operates. People want that historic experience.

We learned that lightkeepers can be used more systematically than at present, but their duties have been cut back. This cutback is in spite of the fact that there are now more small craft on the water.

Lightkeepers already report on weather and sea conditions. They collect long-term scientific data. They protect rare wildlife and plant species. They also support the RCMP's Coastal/Airport Watch Program. In fact, it was pointed out to us that lightkeepers provide services to the public, both directly and indirectly, for at least seven federal departments and agencies.

That fact raises a key question. There is a silo mentality here. The lightkeepers are orphans. There are seven different federal agencies using those lighthouses, but no one takes any responsibility for them. We need a whole-of-government response to those lighthouses and some sort of co-ordination and ongoing funding that will allow them to continue to provide the services they provide now.

No cost-benefit analysis has been completed that justifies the de-staffing of lighthouses, and no agency has picked up on all the possible uses of staffed lights. The views we heard on both coasts were overwhelmingly in favour of keeping the keepers, and that is what we recommend unanimously. An evaluation of which lighthouses should retain their lightkeepers and which ones should be de-staffed should be prepared immediately. That review should also look at whether some lights without a keeper should be re-staffed, as we heard in the Maritimes.

Again, our consultations were most rewarding. When we talked to lightkeepers in places like Triple Island in British Columbia, a bare rock except for the slender tower in a rocky area where waves can be gigantic, I wish that some members who look skeptically at the use of the Coast Guard could have accompanied us on this trip. Maybe on our next trip, Cheryl Gallant can come with us and see for herself what waves are like on both coasts. However, people have a perception of what lies behind the simple phrase, "aid to navigation."

I want to thank a number of honourable senators, some of whom are in the chamber today. I want to thank Senator Patterson, the deputy chair, who is here. I also want to thank Senator Raine, who knew the mountains well, but who also came to know the coastline. I think she became as passionate about the coastal areas as she is about the mountains.

I thank them for their cooperation, and I commend this report to the chamber.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Will Senator Rompkey accept a question?

The Hon. the Acting Speaker: Is the honourable senator asking for more time?

Senator Rompkey: Yes.

The Hon. the Acting Speaker: The honourable senator is granted five more minutes.

Senator Comeau: I, too, want to congratulate Senator Rompkey and the members of the committee for taking the initiative to look at this important issue. However, I want him to clarify something for me. He identified two separate "streams" that his committee looked at, the first of which was staffing. I think that stream is a

question unto itself and not part of the act that looked at the preservation of lighthouses. That is one issue, and it is important and timely, for both coasts.

However, the second part of the issue that he identified was the preservation of existing structures. Unfortunately, I have not had the opportunity to read the report yet. I wonder if he can confirm for me whether the report deals with the issues of both staffing and preservation, or only staffing at this time.

Senator Rompkey: Right now, we are reporting only on the issue of staffing. That request came from the minister. She wanted advice on staffing, so our initial report is on staffing.

Our own terms of reference include exactly what Senator Comeau has said — namely, the whole parameter of issues. We are starting our meetings again tonight and we will make a final report later this spring that will include the Heritage Lighthouse Protection Act.

Senator Comeau: I have a second question. As a side note, I think an Italian newspaper yesterday made reference to the study the committee had prepared.

The honourable senator made reference to the fact that the preservation of lighthouses under the original act, which was introduced in this chamber, did not identify the sources of funding, unfortunately, for the preservation of lighthouses. If I recall, a group of individuals near the lighthouse have to request to Parks Canada that the lighthouse be designated as being abandoned or to be abandoned. Then a certain number of people have to identify that they will take ownership of it.

If Parks Canada identifies the lighthouse as being worth preservation, then this group has to seek the funding from somewhere. Since it was a non-government bill, no money is designated for it, unfortunately. My understanding is that the Department of Fisheries and Oceans will not divert funding from its other important duties.

• (1610)

In the newspaper article yesterday, he identified a very deep problem that is almost ingrained in the fact that it was a private member's bill, and that there is no funding for it.

At one point in the article, I think the honourable senator indicated that this might have precipitated the department's action to put these lighthouses on the chopping block.

Will the honourable senator be looking at what was reported in the newspaper yesterday as he progresses through his study?

Senator Rompkey: Honourable senators, at this point, we have more questions than answers. The article sought to inform people of the state of play so that they could become engaged in the process.

The honourable senator is quite right that any 25 Canadians can apply to take over a heritage lighthouse. That has to be designated by the minister. The lead minister is the Minister responsible for Parks Canada, which is the Minister of the Environment.

The honourable senator also is quite right that no funding has been provided. Part of that is the silo effect that I talked about, that lighthouses are owned by the Coast Guard and operated out of their budget, but six other federal departments or agencies use those lighthouses and no one takes any responsibility for them.

Honourable senators, one thing the government could do is look at a whole-of-government approach to the use of lighthouses in the future. All of the funding might not come from the government. It is quite possible that funding could come from elsewhere. This is one of the questions we would like to explore.

As a matter of fact, certain individuals already have taken over some lighthouses and operate them as commercial operations. There are many community groups that would like to take over the lighthouses if they had access to funding.

There is a time problem as well; but I have a time problem, I see, so here endeth the lesson.

(On motion of Senator Hubley, debate adjourned.)

STUDY ON PANDEMIC PREPAREDNESS

FIFTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Canada's Response to the 2009 H1N1 Influenza Pandemic*, deposited with the Clerk of the Senate on December 29, 2010.

Hon. Art Eggleton moved the adoption of the report.

He said: Honourable senators, on June 15, last year, the Honourable Leona Aglukkaq, the Minister of Health, requested that the Standing Senate Committee on Social Affairs, Science and Technology undertake a review of Canada's response to the 2009 H1N1 influenza pandemic. This request was authorized by the Senate on June 28.

The goal of the study was to find the lessons learned from this public health challenge that I am sure we all remember, and to try to improve upon Canada's pandemic preparedness.

Honourable senators, our committee heard from representatives of the federal departments. We heard from medical officers of health of provincial and territorial governments, First Nations and Inuit organizations, health care professionals and the research community. We also heard from first responders and front-line workers — certainly the national associations representing them — that contributed so much to community preparedness during the pandemic.

The result is the report before you, which was adopted unanimously by the committee; senators on both sides supported it. It is a bipartisan effort. It is not controversial. I think it has a number of very useful recommendations, 18 in all, to help in terms of pandemic preparedness.

I want to thank Senator Ogilvie, the deputy chair of the committee, and all of the members of the committee who participated in this study. I see some of them around the room.

Honourable senators, the 2009 H1N1 pandemic was a test that stretched our pandemic response to the limit. It is estimated that roughly 10 per cent of the population — 3.5 million people — were infected with the virus, with 428 confirmed deaths.

Overall, we found that Canada's response was successful and that the planning, which began many years ago and had increased since the SARS outbreak in 2003, proved effective in reducing the impact of the H1N1 influenza pandemic.

All agencies should be congratulated and thanked for their exemplary efforts here at home and for their leadership on the international stage; particularly the Public Health Agency of Canada, by effectively providing assistance to countries that were less well equipped.

However, honourable senators, our committee did find areas that need improvement. Our report offers some 18 practical ways to increase our efforts, because it is not a matter of if there will be another pandemic but when there will be another pandemic, and we need to be prepared.

First, we would like to emphasize the importance of pandemic readiness and the need to maintain a focus on planning. We are recommending that the Government of Canada renew the funding for pandemic preparedness in the 2011 federal budget. It is coming up soon; we need it to be renewed. Honourable senators, \$1 billion over five years was put into the budget five years ago, and now is the time to renew it.

We heard considerable testimony expressing concerns and challenges with respect to communications and messaging. Some senators may remember that testimony. We heard complaints that the general public and many health practitioners were receiving mixed messages regarding the diagnosis and how to clinically treat the flu. We also heard that there was a lot of diverse messaging regarding the safety of the vaccine. Was it safe? Had it been tested? What were the long-term effects? Do we really need it? These were the type of questions that many in the public had, and they had trouble finding the answers because of differing messages coming in the mainstream media — and also, I might add, in the social media.

Honourable senators, we are calling for the communications annex to the Canadian Pandemic Influenza Plan to be updated, clarifying the roles and responsibilities of the different levels of government. We are also recommending that the Public Health Agency of Canada consult widely on how best to communicate real-time policy decisions, as well as how to harmonize messaging.

Harmonizing messaging is very important. The Medical Officer of Health for British Columbia said that because of the split jurisdiction between the federal government and the provincial and territorial governments, we have many people speaking but while there are many voices, there needs to be one message. Harmonizing that message is critical.

We must expand our reach into the social media — to Facebook, Twitter, et cetera — because many people, particularly young people, gain their information and determine whether they have confidence in the vaccine or the system by what they see in the social media.

Finally, the committee is calling on the Public Health Agency of Canada to begin public awareness campaigns, using tools like social media, aimed at various aspects of public health such as vaccine safety and effectiveness. We need a little preplanning before we get to that stage so that we build up the confidence and they get used to hearing the messaging from our key health officials like Dr. Butler-Jones, our Chief Medical Officer of Health.

Honourable senators, we also heard many other issues about the vaccine. Witnesses said that although the vaccine was generally provided on time, if any production delays had occurred there was no backup supplier to fill the void. Hence, the committee recommends that the 10-year vaccine contract, which will be established this year, should include a backup supplier. In fact, the bidding has gone out and is asking for backup suppliers. We are delighted with that because we need to ensure that Canada and Canadians have a safe and sufficient supply of pandemic vaccine.

• (1620)

We also heard that the packaging chosen for the vaccine, that is, the number of doses per vial, was 500 doses. The average small-town doctors, and even some of the big-city doctors, were not able to cope with that kind of dosage, particularly since it had timelines associated with its use. This packaging led to some vaccine being wasted because many doctors' offices did not have the capacity to deal with that quantity. Some of them did not even open the package — my own doctor did not.

As a result, we recommend that the manufacturer consult the health agency prior to determining the packaging to better meet the needs of the end user.

We were also concerned that the logistics of implementing the vaccination program was not fully appreciated, as the vaccination rollout and rates differed from province to province. As such, we recommend that mass vaccination programs be more thoroughly investigated and tested.

When there was rollout, there were feelings that some people were jumping the line, and prioritization issues came up at the same time. These issues need to be worked out further between the federal and provincial officials.

Honourable senators, in terms of capacity for public health service delivery we are calling on the Public Health Agency of Canada to monitor the scope of practice of paramedics and pharmacists across Canada, to include them, wherever possible, as a valuable resource during public health emergencies. They have skills that could be beneficial, particularly if we have a larger scale pandemic than what this one turned out to be.

In addition, we want the agency to work with the provinces and territories to encourage greater interconnectivity between the different health care infrastructures, namely acute care, primary

care, clinical care and public health care. The hospitals, of course, are key in all of that interconnectivity. These measures can contribute to increased surge capacity in hospitals and in individual communities.

We also heard concerns regarding a lack of collaboration and consultation outside of the government sphere. We are calling therefore for broader inclusion of health professionals — the Canadian Medical Association was in to see us and made this point — during future planning processes.

Also, we recommend that the health agency establish formal collaborative arrangements with provincial public health agencies. Only three provinces have them at this point — British Columbia, Ontario and Quebec — but here are further resources and expertise that should be useful. There should be further collaboration there.

Honourable senators, we also note specific circumstances faced by First Nations and Inuit populations. We commend the efforts made by health practitioners to ensure that remote communities and on-reserve First Nations received necessary care, such as antivirals and vaccines, noting that the vaccination rates were high in these communities — as high in the North as in some of our provinces. With people in the First Nations and Inuit communities it went as high as 80 per cent. In fact, the average overall in those communities was 60 per cent, whereas the average for the rest of the population was about 40 per cent.

However, we are concerned about unhealthy conditions that exist in these areas. Unhealthy conditions, such as poor access to clean water and overcrowding in housing accommodation, increased their vulnerability to communicable disease, and this issue must be tackled. This is a key point that came out of all of our findings. We also recommend that the federal government begin discussions with First Nations and Inuit organizations and communities to clarify its role in a public health emergency.

The final area of concern identified during this study was that of research. We recommend that research be included in the ongoing focus on pandemic preparedness by maintaining the influenza research infrastructure with dedicated and sustained funding.

We have good researchers in this country that can be helpful to us, but if we do not maintain their funding, we will lose them to somewhere else. Let us be sure, when the budget comes up, that we also consider this aspect as well.

In conclusion, honourable senators, the 2009 H1N1 pandemic was difficult. It stretched our capacity to the limit. Nevertheless, we performed well, and we owe a debt of gratitude to the many men and women across the country who served Canadians so well in that time period. We cannot sit on our laurels, however. Although this pandemic was not as big as some had feared it might be, we need to make sure that we are ready for the next one, and perhaps it will be even greater. We have asked that we look at the mild, moderate and severe possibilities. Those possibilities need to be part of the planning as well, because the next one might be more severe. Again, honourable senators, it is not a matter of "if," it is a matter of "when."

Thank you.

The Hon. the Acting Speaker: Continuing debate?

An Hon. Senator: Question.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to and report adopted.)

[Translation]

THE SENATE

MOTION TO RESOLVE INTO A COMMITTEE
OF THE WHOLE TO RECEIVE THE COMMISSIONER
OF OFFICIAL LANGUAGES AND THAT THE
COMMITTEE REPORT TO THE SENATE NO LATER
THAN ONE HOUR AFTER IT BEGINS—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Hubley:

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive the Commissioner of Official Languages; and

That the Committee of the Whole report to the Senate no later than one hour after it begins.

Hon. Lowell Murray: Honourable senators, it has been seven or eight months since I informed my friend, the Deputy Leader of the Opposition, that I had serious reservations about Bill C-232, but that I would not oppose the bill being sent to committee so that witnesses could be heard and so that the bill could be examined clause by clause.

I rise now, not to explain my position on the bill, but to declare my support for the motion by Senator Tardif to call the Commissioner of Official Languages to appear before the Committee of the Whole of the Senate.

This motion resulted from a speech given in this place on December 7, 2010, by the Deputy Leader of the Government, Senator Comeau, during the debate at second reading on Bill C-232. The Honourable Senator Comeau opposed the bill for a number of reasons that he explained very clearly. It was a legitimate and valuable contribution to the debate.

However, Senator Comeau did not limit himself to a discussion of the merits or the flaws of the bill. He went much further. He tackled an entirely different matter, the mandate of the Commissioner of Official Languages. He accused the commissioner of going beyond his mandate by intervening in support of Bill C-232. I assume that Senator Comeau would have objected even if the commissioner had intervened to oppose the bill.

[English]

I have, in English, the language in which he delivered that particular part of his speech, the citation. It is on page 1528 of *Debates of the Senate* of December 7:

I suggest that the commissioner publicly justify how and under what mandate he is using the considerable powers and resources of the Office of the Commissioner of Official Languages to lobby for bilingualism policies that clearly fall outside the commissioner's mandate.

• (1630)

[Translation]

Senator Comeau suggested that the commissioner should publicly justify his involvement. I agree. There is no better forum than this chamber, where the accusation was made, for the commissioner to answer questions. Saying that Mr. Fraser abused his power and misused his mandate is a very serious accusation to make against an officer of Parliament. The fact that this accusation came from a senator who is part of the government leadership makes it even more serious.

I was here on December 7 when Senator Comeau made his speech. It was clear that it was not a spontaneous or improvised speech.

[English]

He did not wing it, as we say, as he sometimes does and as we all sometimes do.

[Translation]

He read the speech from a text that appeared to be carefully written.

The argument of the Deputy Leader of the Government — and he has repeated it several times, not just in his December 7 speech, but more recently during a debate on this same motion on February 8, 2011 — has to do with the fact that the commissioner does not have the authority to speak to Bill C-232 because the bill does not deal with the Official Languages Act; it deals with the Supreme Court Act.

I think that that is an incredibly narrow interpretation of the commissioner's mandate. I do not recall anything, in the activities of the five commissioners who came before Mr. Fraser, in 42 years of the Official Languages Act, to corroborate Senator Comeau's interpretation. In the past, commissioners have spoken to the policies and programs of provincial and municipal governments, the public services that these other governments offer to their linguistic minorities, the progress made by private-sector companies in providing services to clients and employees, and the availability and the role of minority-language information media. Essentially, just about everything that has to do with language issues in Canada. To my knowledge, there were very few objections to this flexible interpretation of the mandate.

As for the commissioner's potential appearance before the Committee of the Whole, the only argument I heard against that motion was that it would be premature before the Senate votes on the bill at second reading. Senator Segal made that argument on February 8, 2011, and Senator Comeau and Senator Carignan supported it.

I would like to make a clear distinction between the substance of Bill C-232 on the one hand, and Senator Comeau's accusation that the commissioner has exceeded his mandate on the other hand. Whatever happens with Bill C-232, the issue of the commissioner's mandate is now before us. We must resolve this issue definitively. We certainly cannot allow this uncertainty regarding such an important officer of Parliament to persist.

(On motion of Senator Comeau, debate adjourned.)

[English]

EMPLOYMENT INSURANCE

MATERNITY AND PARENTAL BENEFITS—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the need to adequately support new mothers and fathers by eliminating the Employment Insurance two-week waiting period for maternity and parental benefits.

Hon. Elizabeth Hubley: Honourable senators, I have spoken with Senator Wallin who has agreed that I could speak today and adjourn the debate in her name.

Honourable senators, the increased participation of women in the paid workforce has been one of the most significant social trends in Canada in the past quarter-century. Several years ago I introduced an inquiry in this chamber concerning the need to improve maternity and parental benefits. In that inquiry I spoke at length about the need to extend maternity and parental benefits to the self-employed. As of January 2011, self-employed persons can opt-in to the special benefits programs under Employment Insurance, including maternity and parental benefits.

Like the improvements that were made to the program under the Liberal government in 2001 increasing the benefit to 50 weeks, this initiative certainly will assist new parents and their children. However, despite these changes in the past decade, there is still room for more improvement. There are other steps Canada can take immediately to support new families.

I agree with honourable senators who have participated in this inquiry that a thorough review is desirable. However, removing the mandatory two-week waiting period for maternity and parental benefits could go a long way to helping parents during these critical first two weeks right now. This simple and immediate measure could be taken to alleviate the financial stresses placed on new parents.

For low-income parents who rely exclusively on these benefits, the two-week waiting period without benefits is an unnecessary strain. Although there are valid reasons perhaps for maintaining a two-week waiting period for regular employment insurance benefits, these same reasons do not apply to maternity and parental benefits. Comparing the waiting period with the deductible for any kind of insurance overlooks the fact that maternity and parental benefits are not just any kind of insurance;

they are Canada's investment in a child during their extremely important first year of life. Forcing parents to scramble to cover their new child expenses during this critical initial two weeks is an unnecessary burden and undermines Canada's commitment to its new citizen.

Eliminating these two weeks of financial stress for new parents would be easy to do and would not require an increase in overall benefits. It would simply provide the benefits that parents are already entitled to receive sooner — when they need them. This simple change is a positive step in the right direction to improving maternity and parental benefits and, ultimately, to building a stable, adequate system of support for families.

I applaud my colleague from Prince Edward Island, Senator Callbeck, for calling the attention of the Senate to this important issue. I would hope the government would move not only to eliminate the two-week waiting period, but also to undertake a thorough review of measures that enhance the economic security of women and children. We need to give our children the best start we can; they deserve no less.

• (1640)

The Hon. the Acting Speaker: Honourable senators, I understand the debate will remain adjourned under the name of Senator Wallin.

Hon. Senators: Agreed.

(On motion of Senator Hubley, for Senator Wallin, debate adjourned.)

IMPORTANCE OF CANADA'S OIL SANDS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Eaton calling the attention of the Senate to the benefits of Canada's oil sands.

Hon. Daniel Lang: Honourable senators, I rise to speak to the inquiry on the importance of the benefits of Canada's oil sands to Canada, presented by Senator Eaton on October 27.

I believe that, as parliamentarians, we should make it clear to Canadians that we are fortunate to have this vast natural resource that is the envy of the world. Canadians and our fellow Albertans should be proud of what they have accomplished. Not only is this resource a major financial cornerstone of Canada's economy, but the proceeds from it allows us to be generous with other countries that are less fortunate.

As our colleague, Senator Eaton, stated, the oil sands are a "true Canadian success story". During her address, she outlined the history, science and practicality of Canadian technology that has been developed over the years to position our country in the eyes of the world as an oil-rich nation. As many honourable senators know, we are now the number one exporter of oil to the United States.

Honourable senators, along with this accomplishment comes environmental responsibilities. That is why our oil sands industry and all levels of government have invested so much in research and new technologies to minimize the effects to the environment and to provide the breakthrough remediation efforts that are presently under way.

Despite the huge environmental and technological successes in developing the oil sands, voices continue to advocate the shutting down of this valuable resource. These voices ignore that Canada's oil sands have a lower carbon footprint than the carbon footprints for processing oil in Venezuela and, indeed, in the California oil industry and in most other oil-producing countries.

These same voices pay for expensive advertising campaigns in the U.S. and in Canada calling for the oil sands to be closed down, but are absolutely silent about Venezuela, California and other oil-producing countries.

Canadians have to wake up to the reality that outside our borders, there are financial interests that are envious of Canada's good fortune and are prepared to interfere in the political decisions of Canadians. An immediate question, honourable senators, might be, why would I say that?

If honourable senators take the time to research the full story of the oil sands and review the opposition to its development, they cannot help but notice that there has been a consistent and constant barrage of misleading information spread under the guise of environmental or social justice by many different environmental groups.

Unfortunately, half truths become truths if they are repeated often enough. Our media and Canadians as a whole must begin to ask the hard questions of these organizations, whose principal goal is to shut down, or at least curtail, the development of this great source of wealth for Canada.

For instance, they can ask this questions: Why is your organization focused on Canada while ignoring the oil development and environmental damage taking place in countries like Nigeria, Venezuela and other oil-producing countries?

Another question is: Why is your organization not demanding that China adhere to a common set of environmental principles, since it is the biggest producer of CO₂ in the world?

Another question is: Why does your organization ignore the abuses of human rights in many of these oil-producing countries while attacking Canada, which is a world leader in human rights?

The questions that Canadians should ask are endless. We should demand answers from the spokespersons of these organizations, and ask them why their statements are so unbalanced towards Canada's success story, the oil sands.

Opposition to the oil sands is big business, and most Canadians have been left in the dark. Canadians are only now becoming aware that our political and economic future is being threatened by international interests for motives that are not necessarily publicly stated.

We have to ask: Who is funding these political attacks on Canada's economic interests, and why? How many Canadians know that over the past 10 years, it is estimated that foreign interests have invested between \$200 million to \$300 million through charitable organizations to influence our political and economic future?

Questions such as these deserve asking before foreign interests grow bolder in their attempts to influence decisions that should properly be made by Canadians.

In the past number of months, there have been public revelations that there is a flow of funding from multi-million dollar U.S. foundations that finance an organization called the Tides Foundation in the United States. In turn, this foreign organization transfers millions of dollars to Tides Canada, which in turn funds organizations opposed to Canada's economic interests, including the oil sands.

These donations are defined currently under Canadian law as charitable and, therefore, under our current guidelines they are categorized as confidential. As a result, Canadians are not informed of the political objectives of the donors and have no idea of their motives.

Honourable senators, a cynic might call this money-laundering because, in the end, Canadians have no idea who funds the local protests or why.

I do not believe it is a charitable donation when in this case, U.S. interests try to influence political events in our country. Nor do I think it is a charitable donation when monies are donated to environmental activists who themselves utilize these funds to influence elections in Canada.

Honourable senators, the implications of this practice cannot be understated. This morning's *Toronto Sun* reports that a Canadian organization, Environmental Defence, which received no fewer than six high-priced donations from U.S. donors, is planning to make 50,000 phone calls into the riding of the Minister of the Environment to attack his support for the oil sands. They say they will be on the ground in Thornhill for months.

Last month, allegations surfaced that the municipal campaign in the city of Vancouver may well have been financed in part by U.S. interests. I believe honourable senators will agree that it is highly improper for U.S. donors to influence directly or indirectly the results of our Canadian elections. Yet that is what is taking place. Just as these U.S. donors launder their money to Canadian environmental groups to combat our oil sands, they have now expanded their reach to influence our political process. This laundering is offensive. We must draw a line on what constitutes a charitable donation and what constitutes a donation to an activist political cause.

Honourable senators, Canadians are concerned about their environment and their responsibility to preserve it, but we do not need to be manipulated by unknown foreign entities with a hidden agenda.

In my opinion, it is time for various levels of government to look beneath the surface to review how these multi-millions of dollars come into our country with no transparency and little, if no, scrutiny.

Honourable senators, to do nothing and to say nothing is to give tacit consent. We cannot stand by and continue to allow this foreign interference in our political affairs.

(On motion of Senator Comeau, debate adjourned.)

• (1650)

STATE OF PALLIATIVE CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs, P.C., calling the attention of the Senate to the state of Palliative Care in Canada.

Hon. Terry M. Mercer: Honourable senators, it is again a pleasure to rise and speak today on an inquiry introduced by Senator Carstairs, this time on palliative care. Senator Carstairs is a true leader on issues involving aging and end-of-life care, and I would like to thank her for her years of dedication to studying these issues and keeping them at the forefront of debate.

As we all know, Senator Carstairs' reports on palliative care and aging were numerous. I will list them: *Of Life and Death* in 1995; *Quality End-of-Life Care: The Right of Every Canadian* in 2000; *Still Not There — Quality End-of-Life Care: A Progress Report*, 2005; *Canada's Aging Population: Seizing The Opportunity* in 2009; and, most recently, *Raising the Bar: A Roadmap for the Future of Palliative Care in Canada* in 2010.

Even with all these reports and research, we are still not prepared for the amount of coordination that is required to provide quality palliative care in this country, but we are getting there.

Honourable senators, palliative care is really not just about ease and care in the last hours of someone's life. It involves, or rather should involve, a process that starts at diagnosis through to death, and then afterwards helps families deal with the entire process. How we get to perfecting that process is what is at issue.

While the federal government has numerous responsibilities when it comes to the health of Canadians, it is the provinces and territories that are responsible for health care to Canadians. That is an important distinction to be made. In order to provide the delivery of good quality health care, all levels of government must work together with all stakeholders, including doctors, nurses, medical associations, hospitals, and the list goes on.

Still Not There — Quality End-of-Life Care: A Progress Report from 2005 examined progress on implementing the recommendations made in the reports tabled in 1995 and 2000. Along with the recommendations for a renewed national strategy

for palliative care, the report also recommended improvements to the compassionate care benefit under Employment Insurance; increased education and training; and the creation of a public information program on services available, legal rights and care for the dying.

Important strides were made since 2000 in these areas, but the number of Canadians who had access to quality palliative care was still not good enough.

Honourable senators, in October 2009, the Canadian Institutes of Health Research, Institute of Cancer Research, released a report entitled *Palliative and End-of-Life Care Initiative: Impact Assessment*. This report engaged 18 partners in health care and delivery, from Health Canada to the National Ovarian Cancer Association, to the Heart and Stroke Foundation of Canada, and many others.

An interesting point from this report was that it built upon clinical research capacity and greatly increased the quantity and quality of research on palliative care. According to the report, this research did and still continues to produce results that are being integrated into practice guidelines, health professionals' training and policy discussions.

There were some interesting points from the CIHR report.

Both quantity and quality of care were major problems: Too little care for many who could benefit from palliative care but did not receive it and too much care in the form of heroic treatment for those who preferred a less aggressive course.

The statistics tell us that in 10 to 15 years, we will have 20 per cent more deaths and 20 per cent fewer health care providers.

That is a recipe for disaster.

All coordinated national strategies have therefore advocated the need to build research capacity, particularly among clinicians, and to establish palliative care as a respectable new interdisciplinary — or better, trans-disciplinary — research field.

These are not new statistics or new ideas that we are hearing about for the first time. As with the reports that Senator Carstairs has spearheaded, it seems that better research, better training and more integration of best practices are the way to approach it, and we are getting there.

However, are we progressing quickly enough? The newest report, *Raising the Bar: A Roadmap for the Future of Palliative Care in Canada*, tabled in 2010, makes 17 further recommendations to serve as a guide for building a better palliative care system in this country. It also builds upon the previous reports that have been tabled in the Senate.

The report identifies five things we can do to help create and improve access to quality palliative care: a culture of care, building capacity, support for caregivers, integration of services, and leadership.

I will not comment heavily on the report, as Senator Carstairs has already done so better than I could have. However, I will say that with any discipline within the health care system, a multi-jurisdictional approach is required so that everyone is working together and not duplicating or deleting services. Palliative care is no different.

Honourable senators, there are many things we can still do to increase the quality of palliative care in this country. As the report identifies, the responsibility lies with governments at the federal, provincial and territorial levels, but it also lies within the community, including community organizations and health care providers. It lies with the families of loved ones who need care and also with the volunteers who play a pivotal role in good quality palliative care services. However, all of these groups need to work together to make it better. Leadership is required to bring them together and to streamline the process.

Therefore, the federal government should re-establish the Canadian Strategy on Palliative and End-of-Life Care and it would do well to listen to the other recommendations of the report, including establishing a Canada Pension Plan dropout provision for caregivers, similar to that for parents who stay home with new children, and revamping the compassionate care benefit program under Employment Insurance to improve the application process and to lengthen the period of support from 6 to 26 weeks.

When I spoke last week about the impact dementia is having and will have on society, I mentioned the Liberal Party plan to invest \$1 billion annually in a new family care plan to help reduce the pressures faced by Canadian families with ill or dying loved ones. The Liberal plan will introduce a new six-month family care Employment Insurance benefit and will offer a new family care tax benefit that would help caregivers compensate for the cost of providing care to a family member at home, whether they are suffering from an illness or indeed facing death. Therefore, someone is actually listening to what these reports are saying.

The report also encourages the provincial and territorial governments to foster interprovincial and territorial cooperation, to work in partnership with the federal government, and to ensure palliative care services are covered under all provincial and territorial insurance plans.

We can have a world-class system of palliative care in this country, but we all must work together. If we do not, the consequences could be quite alarming.

• (1700)

In a recent story from the CBC this past month, the daughter of an elderly dementia patient in British Columbia revealed that her mother was given a potentially dangerous drug, which was not approved for treating her condition. Records show the drug eventually contributed to her having a major seizure. The 83-year-old mother died in November of natural causes, however.

The CBC also reported that a 92-year-old resident of a seniors' home in Halifax died earlier this month, one month after being pushed to the ground and even beaten by another resident. This is the second incident involving abuse of a senior reported in this particular seniors' home.

Honourable senators, as you can see, without proper systems in place, situations can arise like because of inadequate services and quick fixes. Whether there is not enough properly trained staff to deal with the situation, or not enough funding to enact a proper care program, we cannot and should not allow this to happen. Only through an integrated approach, stable and direct funding, and sharing of best practices can we build the best systems for palliative care.

As Senator Carstairs stated, 90 per cent of Canadians who die can benefit from palliative care, yet just over 30 per cent of Canadians are presently receiving palliative care services in Canada. We all know that we are going to die some day. Would it not be comforting to know that it can be in the best way possible for yourself or for your family and friends you leave behind?

Thank you, honourable senators.

(On motion of Senator Pépin, debate adjourned.)

[Translation]

THE SENATE

MOTION TO CONDEMN ATTACKS ON WORSHIPPERS IN MOSQUES IN PAKISTAN AND TO URGE EQUAL RIGHTS FOR MINORITY COMMUNITIES— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Greene,

That the Senate condemns last Friday's barbaric attacks on worshippers at two Ahmadiyya Mosques in Lahore, Pakistan;

That it expresses its condolences to the families of those injured and killed; and

That it urges the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, Senator Jaffer said she wanted to continue the debate on this issue. However, since she has not finished compiling her notes on the matter, I move adjournment in her name.

(On motion of Senator Tardif for Senator Jaffer, debate adjourned.)

[English]

GOVERNMENT PROMISES

INQUIRY—DEBATE ADJOURNED

Hon. James S. Cowan (Leader of the Opposition) rose pursuant to notice of February 9, 2011:

That he will call the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

He said: Honourable senators, the purpose of my inquiry is to reflect on the lamentable record of the Harper administration since it assumed office in 2006, and to do so by focusing on its ever-increasing list of broken promises to Canadians.

I know that Senator LeBreton, will be pleased to hear that I have taken my inspiration for this inquiry from an inquiry she launched almost exactly eight years ago, on February 11, 2003. Her inquiry concerned alleged waste during the years that the Right Honourable Jean Chrétien was Prime Minister and the Honourable Paul Martin was Minister of Finance. Actually, that is not quite accurate because Senator LeBreton labelled that period “the Martin-Chrétien years,” and in her remarks that day repeatedly referred to the government simply as the “Chrétien-Martin government.”

Honourable senators, be that as it may, in her speech, Senator LeBreton made a valiant, though in my view unsuccessful attempt to show that Prime Minister Chrétien and Finance Minister Martin were wasteful of taxpayers’ dollars as they successfully fought to eliminate the massive deficit that their government had inherited from the Mulroney-Campbell-Wilson-Mazankowski Conservative government.

While Prime Minister Chrétien and Minister Martin battled the deficit left by the Conservatives, they created jobs for Canadians. From the time the Chrétien government took office in October, 1993, until the end of the year 2000, 2 million new jobs were created.

In any event, it was that inquiry launched by Senator LeBreton that convinced me that it would be useful to place on the public record, for all Canadians to examine, how the Harper Conservative government has faithfully followed in the footsteps of the former Progressive Conservative government in breaking its promises to Canadians.

Honourable senators, we all remember how that earlier administration earned such a reputation for breaking its promises that the Prime Minister earned an unflattering moniker, which I do not believe would be parliamentary to repeat in this chamber but which was certainly in common usage in Tim Hortons establishments across the land.

I contend that the record of the current government would lead any reasonable observer to conclude that it too has only the most tenuous relationship with the truth. Honourable senators, as witnessed yesterday, the pattern set by this Prime Minister has been emulated by his cabinet colleagues, with very regrettable consequences.

A good place to begin in looking at the evidence for this hypothesis is the Prime Minister’s famous promise on income trusts. This was not the first — or the last — promise broken by Prime Minister Harper, but it was one of the most heartbreaking.

In the Conservative Party’s 2006 federal election platform, in a section headed Security for Seniors, Mr. Harper promised:

A Conservative government will . . . preserve income trusts by not imposing any new taxes on them.

That is on page 32, if anyone still has a copy of that document.

Here is what Prime Minister Harper wrote in a *National Post* op-ed in October, 2005, when there was talk that the then-Liberal government might tax income trusts:

This reckless action . . .

— and that is what he was suggesting the Liberals were doing or would do —

. . . has wiped out billions of dollars in market capitalization from Canadian companies and tens of thousands of dollars from the retirement nest eggs of individual investors. Most notable was the damage done to Canadian seniors who may not have the time to recoup their losses. . . .

Income trusts are popular with seniors because they provide regular payments that are used by many to cover the costs of groceries, heating bills and medicine. . . . So one must ask, why is the government

— again, he is referring to the Liberal government.

clamping down on the retirement savings of seniors and investors?

During the campaign, Mr. Harper made repeated, on-camera, uncategorical promises to the Canadian people that a Conservative government would not tax income trusts. He falsely told Canadians that the Liberals would “raid seniors’ nest eggs” with “a tax on income trusts,” but that a new Conservative government “will never let this happen.” He urged Canadians:

Don’t forget — don’t forget this!

Six months after the election, he asked Canadians to forget everything he had said. On October 31, 2006, in what has been called by some “the Halloween Massacre,” Finance Minister Flaherty announced that yes, the Conservative government would bring in a tax on income trusts.

Some Hon. Senators: Yes. Shame.

Senator Cowan: Twenty billion dollars were wiped out in the first day of trading. Within two weeks, that figure had ballooned to \$35 billion. Investors were stunned, and the hardest hit were Canadian seniors — men and women who, as Mr. Harper himself had said, depended on that income from those trusts to buy

groceries, pay their heating bills and fill their prescriptions. Deceived by his repeated promises that a Conservative government would never tax these trusts, they found their life savings suddenly gone.

Diane Francis of the *Financial Post*, in a column dated September 9, 2008, wrote:

The trashing of the trusts has been an unmitigated disaster. . . .

Ms. Francis described how the trust affected some 2.5 million Canadians. She said:

The income trust fiasco has created \$2 billion a year in tax leakage, and counting, instead of stemming it as promised; it disrupted the junior oil and other markets by removing competitors for their assets; it blackened Canada's reputation to offshore investors . . . many of whom were in the U.K. and banked on Harper's promise and, worst of all, has spawned a spate of foreign leveraged buyouts of Canadian assets and corporations.

In an earlier column on January 28, 2007, Ms. Francis accurately summed it up by saying:

This Income Trust Mistake may just be the most unbelievable, unjustifiable, arrogant flip flop in Canadian current history.

• (1710)

Minister Flaherty ultimately, albeit several years later, had the good grace to apologize. When cornered at a conference by one still-irate senior, Minister Flaherty apologized, saying he had only been finance minister for six months:

. . . so it was probably a politically unwise thing to do — certainly for me personally.

Prime Minister Harper, by contrast, arrogantly tried to deny that any promise was broken. This is what he said:

The commitment was not that we would have no taxes for Telus. It was not that we would have no taxes for BCE. It was not that we would have no taxes for foreign investors or no taxes for major corporations.

It was a commitment to protect the income of seniors.

Honourable senators, let me read once again that commitment that I read at the beginning of my speech from the Conservative Party election platform:

A Conservative government will . . . preserve income trusts by not imposing any new taxes on them.

A promise made was a promise broken. The hundreds of thousands of Canadians who sadly believed Mr. Harper, and watched in horror as their savings disappeared, have learned the hard lesson that, with Prime Minister Stephen Harper, what he says is not what Canadians get. The income trust fiasco is only one of the more blatant examples. In the days and weeks ahead we will hear the sordid details about a great many more.

(On motion of Senator Cordy, debate adjourned.)

(The Senate adjourned until Wednesday, February 16, 2011, at 1:30 p.m.)

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OFFICIAL REPORT
(HANSARD)

Wednesday, February 16, 2011

—◆—
**THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER**

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(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Lowell Murray: Honourable senators, I ask your indulgence for a minute or less to allow me to draw your attention to a mistake in Hansard, and you will understand why I want to bring it to your attention right away.

Yesterday, after Senator Angus had finished his speech introducing Bill C-30 for second reading, I stood up and congratulated him. I thanked him for such a comprehensive presentation and I added, "indeed comprehensible to this layman." Unfortunately, it came out in the printed debates as "I thank the honourable senator for a comprehensive, and incomprehensible to this layman, explanation of the bill." I hasten to reassure everybody that I found Senator Angus' presentation both comprehensive and, to this layman, comprehensible.

I have already made the correction. The corrections are being made in the online version of Hansard and will be made in the bound version. It is only the daily version before us where the mistake will appear.

However, even one incident of a mistake of this kind is too many and I want to reassure Senator Angus that my congratulations and appreciation to him were completely sincere and well meant.

Some Hon. Senators: Hear, hear.

The Hon. the Acting Speaker: Is this correction agreeable to honourable senators?

Hon. Senators: Agreed.

THE SENATE

Wednesday, February 16, 2011

The Senate met at 1:30 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the chair.

Prayers.

SENATORS' STATEMENTS

CANADIAN FOUNDATION FOR PHYSICALLY DISABLED PERSONS

Hon. Jim Munson: Honourable senators, I want to share today another example of the great work that is being done by senators in this chamber as they perform concrete actions to represent and promote the rights and interests of groups and individuals who might be overlooked otherwise, and how honourable senators are supporting these Canadians.

I had the great privilege, along with ten other senators, to participate last Saturday evening in a large fundraising initiative organized by the Canadian Foundation for Physically Disabled Persons. In 1987, Senator Vim Kochhar became its founding chair. He and his partner, Dorothy Price, are at the forefront of the foundation's ever-expanding work.

The CFPDP has initiated dozens of important projects and events, raising a total of \$21 million. The Great Valentine Gala is an annual event held in Toronto. This year was the twenty-seventh edition, which brought together 800 influential and inspiring individuals and organizations who are truly a community working to build a better world for Canadians who live with disabilities.

Some of the projects that have benefitted from the Great Valentine Gala fundraising include Rotary Cheshire Homes, North America's first apartment complex for people who are deaf-blind; the Canadian Helen Keller Centre, Canada's only centre established specifically for the deaf-blind community; and Paralympics sports, where the foundation is a sponsor of Canada's Paralympics team participation.

Every year at this gala, the King Clancy Awards are presented in recognition of personal achievement and important contributions in support of Canadians who live with a disability. This year, the recipients were some of Canada's inspirational 2010 Paralympics medal winners in Vancouver and Whistler.

Another of our honourable senators, Senator Joyce Fairbairn, is called by these heroic athletes their "patron saint." Senator Fairbairn was there in the 1990s when the Paralympics movement was born in Canada, and she has championed their cause every step of the way. From those pioneering steps to the successes we saw a year ago in Whistler and Vancouver, Senator Kochhar and Senator Fairbairn were involved in representing the interests and making sure the support was in place.

The contributions of Senator Kochhar and Senator Fairbairn to Paralympic sports have given the athletes the opportunity to show the power of sports to heal and inspire. Paralympic sports showcase for Canadians the disability community's very real abilities. This coming April 14, Senator Kochhar, again, and the Canadian Foundation for Physically Disabled Persons, along with others, will sponsor the Rolling Rampage wheelchair road race on Parliament Hill.

Senator Kochhar and I know that Canadians often confuse the Paralympics with the Special Olympics — the intellectually disabled athletes that I champion. However, it is our mission to keep building awareness of these two different but compelling movements where inspiration and hard work lead to powerful stories of individual and team achievements, and victories against many odds.

The work of Senator Kochhar and that of Dorothy Price is remarkable. We thank them both for their contributions.

MR. GEORGE BEVERLY SHEA

CONGRATULATIONS ON THE RECORDING ACADEMY LIFETIME ACHIEVEMENT AWARD

Hon. Donald Neil Plett: Honourable senators, I rise today both to pay tribute to and to congratulate a man who this past weekend was honoured with a Lifetime Achievement Award in conjunction with the 2011 Grammy Awards. Long-time Billy Graham Crusade soloist, Mr. George Beverly Shea, often referred to as "America's Beloved Gospel Singer," was honoured by The Recording Academy.

Mr. Shea, who recently turned 102, still performs publicly where and when he can. During his gospel music career spanning more than 80 years, he cut more than 70 albums of hymns, including compact discs with RCA and World Records. Mr. Shea also holds the Guinness World Record for singing in person to the most people — 220 million worldwide.

Honourable senators may be surprised to know that Mr. Shea was born and raised in Winchester, Ontario, about 50 kilometres south of the nation's capital, where he spent his early days singing at churches in the area where his father was a Methodist minister. In July 2009, Mr. Shea travelled to his home town of Winchester for a special tribute concert where he gave a brief but touching performance in his unwavering baritone voice.

Honourable senators, please join me in honouring a performer who lives life with the highest example of integrity and grace and who continues to this day to give back at every opportunity afforded to him.

NORTHWEST TERRITORIES

DEVOLUTION OF LAND, WATER AND RESOURCE MANAGEMENT

Hon. Nick G. Sibbeston: Honourable senators, a few weeks ago, the Governments of Canada and the Northwest Territories signed an agreement in principle to negotiate devolution. Devolution will transfer authority for the management of land, water and resources on Crown land from Canada to the GNWT. The agreement is a good thing. There are also provisions for resource revenue sharing.

This agreement is historic. Every premier of the NWT has aspired to transfer province-like powers from the federal government to the territorial governments. When negotiations are complete, the Government of the Northwest Territories will have virtually the same control over their resources as any province in southern Canada.

Two regional Aboriginal organizations signed on as parties to these negotiations. The remaining five Aboriginal groups in the North did not sign. They have expressed varying opposition to the agreement. Some feel it will impede their own land claim negotiations. Others feel the financial terms are not sufficient.

• (1340)

It is essential, however, for the Government of the Northwest Territories and all Aboriginal groups in the North to come to terms. I encourage them to be realistic, remembering that politics is the art of the possible.

Devolution of land and resources is not a surprise to anyone in the North. Three of the signed land claim agreements explicitly anticipate devolution. At one time or another, all Aboriginal groups have participated in the current negotiations that have been under way since 2001.

The agreement in principle makes it clear that Aboriginal rights will not be abrogated or derogated by the devolution process. When a conflict exists between a land claim or self-government agreement and the final devolution agreement, the former prevails. Moreover, devolution also impacts the management of Crown lands and not the jurisdiction Aboriginal people have negotiated over their lands.

The devolution process envisions government-to-government negotiations between the Government of the Northwest Territories and Aboriginal governments to coordinate management in their respective jurisdictions to promote economic development and ensure environmental protection. It also includes a process to share in the resource revenues that will come to the North as a result of devolution.

Devolution is not a new issue. It has been ongoing since the territorial governments moved North in 1967. The last major devolution — health services, the administration of justice and the management of forestry — occurred during my time in the Northwest Territories cabinet.

There were those at the time who opposed that devolution for many of the same reasons. Yet, because devolution gives control to the people of the North through time, hard work and made-in-the-North programs, people see the merits of devolution.

We have always said in the North, anything the federal government can do, we can do better in the North.

THE LATE RIGHT HONOURABLE ARTHUR MEIGHEN, P.C., Q.C.

UNVEILING OF OFFICIAL PORTRAIT

Hon. Michael A. Meighen: Honourable senators, I rise to express my gratitude to the Speaker in the other place and the Member of Parliament for Kingston and the Islands, the Honourable Peter Milliken.

As some honourable senators will know, at 4 p.m. today in the Reading Room, Speaker Milliken will host an event to officially unveil a prime ministerial portrait of my grandfather, the late Right Honourable Arthur Meighen.

Hon. Senators: Hear, hear.

Senator Meighen: One might ask why a ceremony would be taking place 51 years after Arthur Meighen's death and 85 years after he last held the office of Prime Minister of Canada. That would be a good question. After all, Arthur Meighen's official portrait has been hanging in the halls of the House of Commons, along with those of other prime ministers, for over half a century.

The answer, honourable senators, is that apparently the originally planned unveiling ceremony never took place due to the illness at the time of either my grandfather or Prime Minister Louis St. Laurent. This little known fact was discovered and pointed out by Queen's University-based researcher and political historian, Arthur Milnes, to whom I am extremely grateful.

Mr. Milnes, who recently completed a book of speeches, entitled: *Unrevised and Unrepented II*, first proposed the idea of correcting this historical anomaly. When Speaker Milliken, who is Mr. Milnes' member of Parliament, was alerted to this idea, he moved heaven and earth — a power apparently unique to Speakers in the other place — to address this oversight and used the powers of his office to organize an official unveiling timed to coincide with the release of *Unrevised and Unrepented II*.

[Translation]

Honourable senators, Speaker Milliken has been the longest-serving speaker in Canada and is a true history buff. His efforts to celebrate and honour our heritage by organizing such a unique event are worthy of our support and most sincere congratulations.

I hope to see all of you later this afternoon, when we will take a moment to honour the life of a former prime minister who resided west of the Ontario border and of the artist who created the portrait.

[English]

Honourable senators, while we live in a country where we could and should do more to remember our historical figures and promote our collective history, it is thanks to the efforts of Speaker Milliken and Arthur Milnes that we will all have an opportunity to revisit the life of one such figure, the Right Honourable Arthur Meighen, and remember his dedication to and love for Canada.

Who knows, perhaps one day, official recognition of prime ministers such as Arthur Meighen — not to mention R.B. Bennett and others — will extend to having their own statues on Parliament Hill.

MR. TERRENCE DONNELLY

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay tribute to a man who has dedicated his later years to making tremendous contributions not only to the people of Toronto and Canada, but indeed to the whole world. Terrence Donnelly is a man who has worked hard his whole life and has chosen to give away much of his fortune for the benefit of others.

Born and raised in London, Ontario, he attended the University of Western Ontario and graduated with a degree in business administration. While attending Osgoode Hall Law School in Toronto, he was introduced to an unconventional businessman by the name of Colonel Harland Sanders, whom we all know as the founder of Kentucky Fried Chicken. The two worked together until Mr. Sanders' death in 1980, with Mr. Donnelly serving on the board of directors of KFC, in addition to helping the franchise chain expand from 50 restaurants to 750.

[Translation]

Today, he continues to work as a director for the Colonel Harland Sanders Charitable Organization, a charity that provides development assistance funds to various children's hospital projects across Canada, the United States and Mexico.

[English]

When Mr. Donnelly finally retired in 1997, he was unsure what to do with his time. A short while later, he was introduced to health care philanthropy, which has since become his life's calling. It has become his legacy.

His first substantial donation was given to St. Michael's Hospital to build research labs and restore a rundown part of the hospital. He later donated funds to help build a Centre for Cellular and Biomedical Research at the University of Toronto. At the beginning of February, it was announced he would give another \$12 million to help build a health science complex at the University of Toronto's Mississauga campus, where the medical doctors of tomorrow will be trained. His generous gift was the largest ever made to the Mississauga campus.

For all his generosity and support in making a difference in health care, he has been named to the Order of Ontario and has received an honorary doctor of law from the University of Toronto.

More than awards and accolades, however, he has become an inspiration to the students and faculty of these facilities. Even after he gives his financial contribution, he chooses to be part of the new and exciting changes going on at these locations by getting to know the research staff at the Centre for Cellular and Biomedical Research or by visiting the patients at St. Michael's Hospital. Terrence Donnelly has said that he gets tremendous joy out of giving and in watching his donations hard at work.

In the words of the dean of the University of Toronto's Faculty of Medicine, "He lives his contribution," which is something we should all aspire to.

ROUTINE PROCEEDINGS

COMMISSIONER OF LOBBYING

REPORT ON INVESTIGATION ON THE LOBBYING ACTIVITIES OF MICHAEL MCSWEENEY TABLED

The Hon. the Acting Speaker: Honourable senators, pursuant to section 10.5 of the Lobbying Act, I have the honour to table, in both official languages, the Report on Investigation on the lobbying activities of Michael McSweeney.

REPORT ON INVESTIGATION ON THE LOBBYING ACTIVITIES OF BRUCE RAWSON TABLED

The Hon. the Acting Speaker: Honourable senators, pursuant to section 10.5 of the Lobbying Act, I have the honour to table, in both official languages, the Report on Investigation on the lobbying activities of Bruce Rawson.

REPORT ON INVESTIGATION ON THE LOBBYING ACTIVITIES OF WILL STEWART TABLED

The Hon. the Acting Speaker: Honourable senators, pursuant to section 10.5 of the Lobbying Act, I have the honour to table, in both official languages, the Report on Investigation on the lobbying activities of Will Stewart.

• (1350)

QUESTION PERIOD

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

NORTHERN FOOD SUBSIDIES

Hon. Nick G. Sibbeston: Honourable senators, my question is for the Leader of the Government in the Senate and deals with food prices in the Arctic. The major focus of this government has been Arctic sovereignty. Critical to this sovereignty is the ability of Northern people to live and thrive in their communities.

Honourable senators, a recent story in *The Globe and Mail* pointed out the tremendous food prices in the communities of Arctic Bay and Nunavut. Prices have always been high, but seem to have spiked recently. Prices are also high in remote communities in the Northwest Territories. For example, one litre of milk in Ulukhaktok on Holman Island today costs \$4.35, compared to just over \$1 in Ottawa. Three pounds of apples cost \$10.84, compared to \$2.97 in Ottawa.

Honourable senators, until October 1, 2010, the Food Mail Program subsidized the cost of freight for a wide range of food items and hygiene products. A new program, Nutrition North Canada, subsidizing a shorter list of healthy foods, will come into effect on April 1, 2011. The six-month gap between the programs may have contributed to the spike in food prices.

Can the Leader of the Government provide information on the extent of food inflation in remote communities in the last six months, and tell this chamber how much prices are expected to fall when the new program comes into effect?

Can the Leader of the Government tell honourable senators how much the government is spending on the Nutrition North Canada program compared to the previous Food Mail Program?

Will the leader provide a list of food and hygiene items that were subsidized under the old program that will no longer be covered under the new program?

Can the leader tell me whether the "healthy food" list was compiled in consultation with Northerners or if it was compiled by Ottawa bureaucrats?

Honourable senators, I appreciate that the leader might not have all of the answers today, but she might, in due time, provide me with this information.

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Sibbeston for his many questions and for his insightful comment. Senator Sibbeston is correct in commenting that I do not have all of that information, but I will be happy to provide the honourable senator with as much information as possible.

As the honourable senator is aware, in our consultations with Northerners they said explicitly that they wanted a subsidy program focused on the most nutritious foods and a more accountable and transparent system.

When the Nutrition North Canada program comes into effect on April 1, as the honourable senator pointed out, it will ensure Northerners benefit from improved and increased access to nutrition and affordable foods. As honourable senators undoubtedly know, this program is based on an extensive engagement with Northerners.

Minister Duncan has met with the advisory board representing Nutrition North to discuss their mandate, which includes listening to Northerners, responding to their needs and being a voice for them in this important area.

I cannot debate the honourable senator's statements about the high cost of food in the North. When I was in Iqaluit and Inuvik, I was, as a Central Canada consumer, horrified at the prices Northerners pay. This is a great concern to all Canadians.

The Nutrition North Canada program will be advantageous. The work that Minister Duncan is doing with the various organizations is to ensure that food is nutritious and reasonably priced.

[Senator Sibbeston]

Honourable senators, I will take as notice the portion of the honourable senator's question dealing with the historical analysis of the products and the list of products contained in the new program.

[Translation]

INTERNATIONAL COOPERATION

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate.

Canada is one of the world's middle powers. We are one of the 11 most powerful nations out of 194 in the world. Our work ethic is recognized around the globe. We are leaders in technology. We believe in human rights and have no imperialist ambitions to subjugate anyone. We are therefore an ideal neutral third party to help countries resolve their conflicts.

I ask honourable senators to think of a country a little further south of Egypt: Darfur. We have invested tens, if not hundreds of millions of dollars in development through CIDA in Darfur, where a burgeoning democracy has been recognized and where a third party is desperately needed to help that country emerge from the political impasse that is holding it back.

We speak their language and we are familiar with the region. We are in a perfect position to help that country. It is our duty to be there during these kinds of situations.

Why are we allowing France to continue making a mess of this situation? Why have we not yet responded to the United Nations' requests for assistance to come up with solutions to help this endangered democracy, which could degenerate into a humanitarian disaster?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am not certain of Senator Dallaire's question and I will have to rely on the official transcript to understand the question and how to respond to it.

I will take Senator Dallaire's question as notice and respond when I have had a chance to assess the honourable senator's question.

Senator Dallaire: My question is why we are letting the Côte d'Ivoire fester, even though we believe in its democracy. The Côte D'Ivoire has been asking for help, internationally. We have invested so much in that country.

Honourable senators, we could send an emissary to Côte d'Ivoire. By the by, the emissary could be quite safe because he could fly there in our new red and while Airbus we bought for the air force. The emissary's plane would likely be recognized as a Red Cross plane or belonging to another NGO and therefore, would not be fearful of being shot down.

Honourable senators, can the Leader of the Government tell this chamber why we are not going to Côte d'Ivoire?

Senator LeBreton: Honourable senators, I will take that question as notice. I think the situation is a little more complicated than the honourable senator's description of current events. I will have to check, but I am not sure about what has been actually asked of Canada.

As was the case with the honourable senator's first question, I will take this question as notice.

HERITAGE

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION APPOINTMENT OF VICE-CHAIRPERSON

Hon. Pierre De Bané: Honourable senators, I wish to point out to the Honourable Leader of the Government in the Senate, that I asked a number of questions yesterday to which I did not receive one answer. I am certain that no honourable senator would disagree that I did not obtain one answer to my queries.

• (1400)

Regarding the nomination of Mr. Pentefountas, I asked whether the Prime Minister had followed through on the promise he made in the Saguenay on September 17, 2008, that he would consult with the Government of Quebec before appointing the vice-chair of the CRTC. Sadly, I received no answer to that question.

Will the leader please inquire about this matter and consult her colleagues to provide a satisfactory answer to this question?

I ask again: Did the Prime Minister or the government consult the Government of Quebec before appointing Tom Pentefountas as vice-chair of the CRTC, as per the commitment of the Prime Minister of our country?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I was present when the Prime Minister talked about the CRTC. As there were concerns that CRTC chairs were always chosen from another part of the country, the Prime Minister's commitment was that the chair of the CRTC would alternate, and that there would be a vice-chair from the province of Quebec. I do not recall that the Prime Minister said "the Government of Quebec"; I recall him saying that he would consult with Quebecers.

Mr. Pentefountas went through a selection process with Canadian Heritage, and was deemed to be an extremely well-qualified and appropriate candidate. I reviewed Senator De Bané's question of yesterday and was reminded that he would have preferred another candidate. That is his right, but I believe that the era of "we are entitled to our entitlements" is over.

Senator De Bané: Honourable senators, I stress that I know no candidate. I only asked why a candidate who is a member of the Barreau du Québec, a professional engineer and member of the Association of Professional Engineers and Geoscientists of British Columbia, a candidate who has 25 years of experience in this field

and is currently a commissioner of the CRTC, was not considered. I did not propose anyone. I can provide the names of all those who applied, but I do not know any of the candidates. I have only their public curricula vitae.

As to the recollection of the Leader of the Government in the Senate, I can assure honourable senators that the Prime Minister said he would alternate between a francophone and an anglophone chair. That is why I said yesterday that the present chair, Mr. von Finckenstein, will retire in about 10 months, and I am concerned that the person the Prime Minister has appointed to vice-chair will be elevated to chair without prior experience.

I can assure honourable senators that the Prime Minister said he would consult with the Government of Quebec on that appointment. I invite the leader to read the dailies that were published in Quebec the day after his speech there.

Senator LeBreton: Senator De Bané obviously has information that I do not have if he is aware of all the individuals who applied for this position. The beauty of the system we have set up is that these positions are advertised and people can apply.

In the case of Mr. Tom Pentefountas, I repeat that he went through an independent and open selection process with the Department of Canadian Heritage, and was found to be well qualified. I am confident that with his strong background, he will make a positive contribution to the board.

With regard to who will replace Konrad von Finckenstein in a year and a half, or whenever his term at the CRTC is up, that is purely speculative. I have no clue who will replace Mr. von Finckenstein.

Senator De Bané: Honourable senators, the leader says that she has full confidence in the process that was put in place for the selection of the vice-chair. Will the leader then please answer as quickly as possible the two questions I put to her yesterday. First, I asked whether Mr. Pentefountas had submitted his CV prior to June 28. Second, I asked on what date Mr. Pentefountas met with the board of four people, two from the Privy Council Office, who interviewed the candidates.

The Leader of the Government in the Senate said that the process is impeccable, so I ask her to provide me with the answer to those two simple questions.

Senator LeBreton: As I said yesterday, I will not make a commitment in that regard. As I also said yesterday, I have some knowledge as to how this process works, although it has been vastly improved by our government since the Chrétien-Martin years, and even since the time of the Mulroney government.

Applications for these positions are dealt with by a secretariat in the Prime Minister's Office comprised of senior staff in the Privy Council Office. I formerly headed that secretariat and Senator Downe headed it under Mr. Chrétien. I will not impose upon the secretariat to provide information, and I am not sure that it is even legal to provide information when people apply for these positions.

I will tell the Minister of Canadian Heritage that Senator De Bané is opposed to the process and disagrees with the appointment of Mr. Pentefountas, although I am sure the department is well aware of that opposition already.

PRIVY COUNCIL OFFICE

GOVERNOR-IN-COUNCIL APPOINTMENTS PROCESS

Hon. Percy E. Downe: Honourable senators, the Leader of the Government in the Senate alleged that there have been improvements in the appointments process over what was done by the previous government. Can the leader outline what those improvements are?

Hon. Marjory LeBreton (Leader of the Government): In the case of quasi-judicial boards, there is now a rigorous process, unlike in the past. People must write exams and go through a process in the various departments concerned. I know people who have written those exams and have not been successful.

Also, appointments are properly advertised, and there is a much more rigorous vetting process. I believe the proof is in the pudding in that the appointments of this government have been accepted and supported by and large because we appoint people who are qualified to fill the positions to which they are appointed.

• (1410)

Senator Downe: If this were Sesame Street, "rigorous" would be the word of the day, I guess. My question was, what changes were made? I did not hear any changes in that answer. The Leader of the Government in the Senate indicated there were written examinations. Examinations were written before, for the parole board and a host of agencies in the department. If candidates did not pass the examinations, they could not be considered. Prime Minister Kim Campbell introduced the advertising of appointments, a practice other governments continued.

I heard many words. Can the Leader of the Government in the Senate be specific about what improvements, as she said in her earlier answer, have been made?

Senator LeBreton: Honourable senators, let us start with the Federal Accountability Act. Senator Downe headed this secretariat that deals with these appointments, as did I. I was acknowledging, and I thought that the honourable senator would acknowledge this fact as well, that over the years, the whole appointments process has improved.

I think the government of Prime Minister Harper has made great strides in the appointments process. For all the appointments, our criteria have been the qualifications for the appointments. That is what we have lived up to and that is why our appointments have been well received and supported generally, except, of course, by the members opposite.

[Translation]

HERITAGE

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION APPOINTMENT OF VICE-CHAIRPERSON

Hon. Francis Fox: Honourable senators, I have another question for the Leader of the Government in the Senate. I would like to congratulate the government on how it proceeded, that is, in inviting candidates to apply and establishing a list of 15 criteria.

Of those 15 criteria, which ones did Mr. Pentefountas meet?

[English]

Hon. Marjory LeBreton (Leader of the Government): I did not hear the last part of the question.

Senator Fox: The government went out of its way to publish a series of 15 criteria on which to judge the candidates. Which of the criteria were met by Mr. Pentefountas, if any?

Senator LeBreton: Honourable senators, I repeat: Mr. Pentefountas went through an independent, open selection process conducted through the Department of Canadian Heritage. I am confident — obviously the honourable senator disagrees — the officials at Canadian Heritage and those who interviewed Mr. Pentefountas have approved his appointment. I believe he will prove to be an excellent person in this position, as is believed by the people who approved his appointment at Canadian Heritage.

Senator Fox: My question has nothing to do with Mr. Pentefountas as an individual. Why did the government go through all the trouble of publishing 15 criteria in the *Canada Gazette* if they were not planning to apply any of them? Why did they go through this process? Why did they not simply appoint Mr. Pentefountas with a committee in an absolutely discretionary manner? Why did the government publish 15 criteria if they did not intend to apply the criteria? If they applied the criteria, which of the criteria were met by the candidate?

Senator LeBreton: The honourable senator is making an assumption. Anyone has the right to apply for the position. The senator is making the assumption that somehow we did not consider the other candidates. I think that assumption is false.

[Translation]

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. Does the Leader of the Government in the Senate realize that, according to the rules of the Barreau du Québec, a lawyer must not accept work unless he has the required qualifications?

Second, is the Leader of the Government in the Senate or her government aware of the fact that a complaint can be filed against this lawyer with the bar association for having accepted work in an area in which he has never practiced?

[English]

Senator LeBreton: Honourable senators, that question is almost as bad as Senator De Bané's question yesterday for making assumptions — I have forgotten the word he used — to indicate that this person was not qualified. That assumption is insulting to people who are lawyers and to anyone who is a successful candidate for any position in government.

I think the term that Senator De Bané used yesterday was "ignorant." I suggest that for any of us to prejudge that an individual who has been appointed to whatever position is somehow ignorant because the person has not been in this position in the past, then we could probably clean out the Senate, because three quarters of senators would not be qualified to be in here, according to that criteria.

[Translation]

INTERNATIONAL COOPERATION

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY OVERSEAS PROGRAM FUNDING

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. The Minister for International Cooperation cut funding for a Christian religious organization working in the area of social justice and human rights, which had received the support of the Canadian International Development Agency. The minister did not stop there; she then altered a document to falsify the record of her relations with CIDA officials. This conduct is unbecoming of a minister, who must show accountability, transparency and responsibility towards Parliament and Canadian citizens.

What will be the consequences for the minister for having misled Parliament and Canadians and how does she justify such an ill-considered action?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the minister has been clear in the House of Commons and in committee that she made this decision. These decisions are the responsibility of ministers. The decision was the right one. One of the things that we committed to when we formed the government was to ensure that monies that are expended for various programs would be directed to those who need it most, and, most of all, that we would be accountable to the Canadian taxpayers who provide this money for these programs.

Hon. Jane Cordy: Honourable senators, was the word "not" on the document when the minister signed it?

Senator LeBreton: I will repeat my answer. The answer is clearly obvious. The minister made the decision not to grant these funds. That is her job. The minister made the decision and she made it in the interests of the Canadian taxpayers who provide these funds. When we look at the outstanding work this minister has done in untying food aid and properly delivering money and services to the people who need it, rather than to people who talk about it, it is a commendable action on her behalf. She will continue to

perform her good work in assisting those groups in Africa and elsewhere that require assistance, while also being mindful of Canadian taxpayers. However, the minister is the minister, and the minister will make the decision.

Hon. Robert W. Peterson: Honourable senators, is the leader saying that the minister misleading Parliament and altering an official government document is condoned by her government?

Senator LeBreton: I am saying that the minister made the decision not to grant these funds. That decision is her right as a minister and that is why she is a minister. The minister is ultimately responsible for making these decisions. That is the decision the minister made and it was the right decision.

• (1420)

Senator Peterson: Honourable senators, I am not questioning the right of the minister to make decisions, but she misled Parliament and altered an official document. Is the leader condoning that?

Senator LeBreton: I am simply saying that the minister stated in the House of Commons and in committee that she made this decision and I believe, as do most reasonable people, that it was the right decision.

ORDERS OF THE DAY

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Mahovlich, for the second reading of Bill S-220, An Act to amend the Official Languages Act (communications with and services to the public).

Hon. Andrée Champagne: Honourable senators, I know that Senator Marshall took the adjournment on this item, but with her permission, I would like to speak to it at this time.

[Translation]

Honourable senators, before preparing my notes for my contribution to this debate, I carefully reread all that has been said in this chamber about S-220. It was introduced by our colleague, the Chair of the Standing Senate Committee on Official Languages, the tireless Senator Maria Chaput from Manitoba, on June 15, 2010.

My first reaction to this bill was very positive and reinforced by an experience I had at the Winnipeg airport in early September.

I was preparing to return to Montreal after attending a meeting of the chairs of the American region of the Assemblée parlementaire de la Francophonie. My flight was delayed by about thirty minutes and so I thought I would phone home so that my husband, who was going to pick me up, would not have to wait unnecessarily for me. While I was on the phone, I heard something like an announcement for passengers and I saw all those who had been patiently waiting with me quickly leave the gate. I went to the counter and asked them to repeat the announcement. As I had not spoken a word of English for a number of days, I instinctively spoke in French. And what was the clerk's response?

[English]

"Don't you speak English? That is your problem."

[Translation]

After taking a deep breath, I calmly added:

[English]

"I do understand English, sir, but I was on the phone and did not hear you well enough."

He finally told me that there was a change of gates and that, honourable senators, could have turned out to be a real problem. Had I not understood English, I might have missed my flight.

[Translation]

The fact is that Air Canada, a private company but still subject to the Official Languages Act, does not think it is important to always ensure that its communications and services are available in both our official languages across Canada. I have no doubt that our colleague who quite often has to use that airport, has had to suffer this same affront on occasion. This is a situation that needs to be corrected, of course, for her and for all the others.

Is a bill like S-220 the solution? I have my doubts. Air Canada received government assistance to ensure that a good number of its employees were bilingual. Can we ask as much of the private companies that have to be competitive but are not receiving the same funding that would be necessary if we wanted to make them subject to this law?

If, as Bill S-220 would require, all transportation companies were subject to the Official Languages Act, how many unilingual anglophone employees would be at risk of losing their jobs? What is more, would the francophones successfully employed there have been hired without at least some knowledge of English?

A unanimous motion in this chamber calling on the government to rein in Air Canada might be just as useful, and would avoid all the sudden upsets and costs that Bill S-220 would cause.

Bill S-220 calls for all members of the RCMP who patrol portions of the Trans-Canada Highway to be bilingual.

Another point addressed by almost every participant in the debate, whether talking about transportation companies or the RCMP, is the problem with the all important phrase in the

current act, "where there is significant demand." That will never be easy to assess with any accuracy. Allow me to provide a rather personal example.

A few decades ago, I entered into an exogamous marriage. At the time, the term "mixed marriage" was also used, but it usually described a union between people of different religions, which was not my case.

Over the years, this gave me the opportunity to improve my knowledge of English. I should add that I was lucky enough throughout my studies to have excellent teachers. When our children were born, their mother tongue was French, even though they grew up constantly hearing the English that I continued to speak to their unilingual anglophone father.

Our children were enrolled in French elementary and secondary schools. Quebec's Bill 101 did not exist then, but it would have allowed them to go to English school because their father studied at an English school in Canada. We chose French school.

My children were five and seven when we moved to a different part of Montreal where there was a mix of English and French families.

I would like to share a story. The day we moved, I was unpacking when my five-year-old daughter came to me crying, saying, "Mommy, I want to go back home, to where we used to live. All of the kids here speak English." And I said, "Listen, Lili, I am very busy unpacking so that we can eat supper and sleep comfortably tonight. You have heard English since you were born. Go back outside and play. Soon enough you will be able to talk to them and understand them."

And in less time than it took me to tell that story, all of the children in the neighbourhood were bilingual, whether they went to French or English school.

Later, my daughter chose to go to CEGEP in French and her brother enrolled in Dawson College because he wanted to take courses that were available there.

• (1430)

The only other option at that time was a CEGEP in Saguenay, which was far from home for my teenage son. When it came time to go to university, my son Patrick was accepted in film at studies Ryerson, in Toronto. Liliane will finish her studies at Concordia in theatre and translation. Today, they are both perfectly bilingual, more bilingual than I am, and that makes me very proud.

I have always had a difficult time answering the census question about which language is spoken in the home. I always spoke French to my children and English to their father. So what was I supposed to answer? I agree with our colleagues and the commissioner, Mr. Fraser, when they say that arithmetic cannot be the only criterion used to determine where there is sufficient demand. In the small community where we lived, the institutions, schools, recreation and health care were all available in both languages. Were there two minority communities in our Montreal suburb?

When it comes to newcomers, our discussions and action often centre on the importance of their integration into the community. However, when it comes to Canadians living in minority language communities, we say that they are fighting assimilation. One day we will have to define exactly where the line is between integration and assimilation.

It comes as no big surprise that, in her speech, Senator Jaffer again made reference to the Vancouver Olympic Games. Like everyone, I was very disappointed by the place French was given in the opening ceremonies. A poem by François-Xavier Garneau translated into English, read by Donald Sutherland and dubbed by another actor, did not incorporate any elements of French. The fact that, one year later, we are blaming Céline Dion who was having a high-risk pregnancy or Gilles Vigneault, a Quebec poet who is certainly just as passionate about independence as he is about words, shows that the organizers either truly washed their hands of francophone Canada or that they had very little imagination. Who was consulted to obtain these results?

However, as our commissioner and Mr. Couchepin, the Grand Témoin de la Francophonie, have said, the presence of French was remarkable in other places, for instance, on signage and at the various sites. Canada hosted the most francophone Olympic Games in history. We can enjoy full bragging rights even if our pride was a little bit hurt during the opening ceremonies.

The Official Languages Act is already 40 years old. It has been amended several times. Strangely enough, the various speeches have hardly mentioned the most recent changes, those made to Part VII, under which government departments and organizations are required to take positive and tangible measures to improve the situation of both French and English official language minority communities.

All those who appeared before the Standing Senate Committee on Official Languages had a great deal of difficulty expressing how they define positive measures. Should the latest amendments have been more specific and given examples or suggestions? Despite all this, we have seen great improvements across the country, thus the title of our report, *We can still do better*.

In one of his latest reports, Commissioner Fraser praised the magnificent work done by Service Canada in complying with the Official Languages Act. We are also all aware of the efforts made by our government to promote the training of its employees in both official languages.

Coming back to Bill S-220 specifically, it is shocking to see how wide-ranging it is. Even though our colleague has repeated that the changes required by Bill S-220 would be minor, a careful reading shows the complete opposite. Bill S-220 would have repercussions for the private sector and even at the provincial and municipal levels. There would be considerable costs for the federal government. Since this private Senate bill does not have the authority to require any government spending, Senator Chaput will no doubt have to find a way to explain where the necessary funds would come from. Which existing programs in the linguistic roadmap would she be prepared to see have their budgets slashed or disappear completely? Her Bill S-220 does not say a word about that, nor did her speech.

Bill S-220 is very broad and wide-ranging. It affects air, maritime and rail transport, whether these are public or private sector services. It would require that all RCMP officers along the Trans-Canada Highway be bilingual and implies that both languages should be spoken in our post offices. Do some of Senator Chaput's complaints deserve solutions, at least ones to mitigate the damages? Without a doubt. But is Bill S-220 the solution? Everyone believes in doing the right thing, but as the saying goes, "You may get more than you asked for."

We must continue to encourage our government's efforts to give minority language communities the help they need, whether they are in Quebec or elsewhere in Canada. Simply allowing them to survive is not enough. We must encourage them to develop and ensure that they mature fully. Would a legislative committee be able to make Bill S-220 acceptable to the government? Time will tell. I know that I will be watching closely.

Hon. Maria Chaput: Honourable senators, first, I would like to sincerely thank Senator Champagne for participating in this debate. Whether she is speaking in committee or here in the Senate, she is always elegant and kind, even if the message is very clear.

Senator Champagne knows — I have already spoken to her about it — that with Bill S-220, my primary objective is to create a debate, first in second reading in the Senate, and then in a Senate committee, on a bill that has the support of all francophone and Acadian communities in Canada. It is very relevant because it will support the vitality of communities across Canada. I realize that you think it is ambitious. But I would just like to add that in Manitoba we say, "Nothing ventured, nothing gained."

Bill S-220 amends Part IV of the Official Languages Act; its regulations date back to 1992 and have never been amended. We wish to amend Part IV, which does not fulfill the objectives of the Official Languages Act; it consists of half measures. We must find concrete solutions that will enhance the vitality of communities and counter the assimilation that continues to take its toll and that we must reluctantly suffer.

My question is as follows: do you not believe that Bill S-220 is pertinent, as it would clarify the obligations of the federal government and support the vitality of communities?

Senator Champagne: Would honourable senators grant me another five minutes to answer Senator Chaput's question?

Hon. Senators: Yes.

Senator Champagne: Thank you, honourable senators. As I mentioned in my presentation, I understand very well that many people would like the law to be tightened up. The major problem with Bill S-220 is that it heads off in every direction and wants to touch on every issue at the same time. I believe that perhaps, here in the Senate or in committee, we should find a better way to identify the areas where the numbers warrant or demand is significant.

• (1440)

All of this definitely causes a problem. Yet, nowhere in your speech did you mention where the money might come from to cover the costs associated with this bill, or which programs within the roadmap you would like to cut in order to obtain the money required.

I understand that there will be some difficulties. In committee, we looked at several situations, we heard from several official language minority communities and we saw the problems. However, I do not think that trying to resolve everything at once 40 years later will really solve these problems. Some people really appreciate the programs that we would have to cut from the roadmap. Would they be okay with seeing them disappear? I doubt it. We have to make a choice. Perhaps we do need to tighten our belts, but that does not mean we have to cut everything; pull back a little and strengthen certain points, yes, but not turn everything upside down overnight.

Senator Chaput: The debate before us has to do with referring the bill to committee. I do wish to amend an act, but before we implement and apply this amendment, we must hear from witnesses so they can share their point of view and explain why certain things will not be possible. We will hear representatives from the departments and the community. Would you not agree that this debate should be happening in committee? Your government could then propose amendments and we could discuss how it should be implemented. Thus, if there were any choices to be made, priorities would have to be established first. Do you not agree that this should happen in committee?

Senator Champagne: I think the Deputy Leader has already assured you that this bill will be referred to committee. There is no way we will let it die on the Order Paper. But I am happy to hear you say that you do not really expect everything in this bill to be accepted overnight, because we need to find the financial resources that could make all this possible. Thank you for listening to me. I think you knew pretty much what I was going to say. While I support doing what is best, I think there are limits to everything.

Hon. Fernand Robichaud: Honourable senators, I thought I understood from the end of Senator Champagne's speech and from her response to Senator Chaput that she completely agrees that this bill should be sent to committee. That means that she agrees with the Deputy Leader of the Government who, some time ago, assured us that he was in favour of sending this bill to committee. I am therefore wondering if the time has come for this bill to be sent to committee.

Senator Champagne: It is not my decision but I know that there are other senators who also wish to speak. And Senator Chaput, who introduced this bill, initially told us in her first sentence that what she really wanted was to provoke a debate. So let us continue the debate. I am certain that someone else will want to move adjournment of the debate. We will continue to discuss the bill and, when the time comes, we will send it to committee. As I said at the end of my speech, I would like to be one of those who sit on the committee and I will listen very carefully with a very open mind.

(On motion of Senator Marshall, debate adjourned, on division.)

[Senator Champagne]

GOVERNANCE OF CANADIAN BUSINESSES EMERGENCY BILL

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tardif, for the second reading of Bill S-205, An Act to provide the means to rationalize the governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada's economic stability.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, since Senator Gerstein is currently absent, I wish to move the adjournment in his name for the remainder of his speaking time.

(On motion of Senator Comeau, for Senator Gerstein, debate adjourned.)

[English]

STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

SIXTH REPORT OF FISHERIES AND OCEANS COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Tardif, for the adoption of the sixth report (interim) of the Standing Senate Committee on Fisheries and Oceans, entitled: *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*, deposited with the Clerk of the Senate on December 20, 2010.

Hon. Elizabeth Hubley: Honourable senators, I would like to add a few short comments to the debate of this report concerning the de-staffing of lighthouses on the east and west coasts.

Lighthouses evoke strong emotions in us, certainly as icons of beauty along our coastline that evoke the romance of the sea, but, more practically, they represent safety and protection. Whether Canadians are on the water for fishing, shipping, or recreation, lighthouses have an essential role to play as aids to navigation.

The decision of whether or not to de-staff these lighthouses must take into account the variety of important roles lightkeepers fill. Staffed lighthouses in British Columbia and Newfoundland and Labrador offer a variety of complementary services, such as search and rescue, assisting mariners in distress and weather monitoring for air and sea. Lightkeepers already provide services unrelated to marine safety but benefit government agencies and the public. Lightkeepers assist in scientific and climate change research; maintain seismic monitoring equipment; and report

sightings of threatened or endangered species such as whales, dolphins and sea turtles. Staffed light stations are also involved in the RCMP's Coastal Watch Program, which assists in identifying persons, vessels, vehicles, and aircraft that may constitute a threat to Canada's national security, or may be involved in illegal activities.

Honourable senators, lightkeepers told the committee that they felt that in addition to maintaining the light, they could also undertake other duties or expand activities they already perform. In some cases, lightkeepers already play a role in tourism, assisting hikers where the lighthouse is in a park, and managing plant resources in delicate ecological areas. However, the true value is their efforts in saving lives, by maintaining the light, assisting in search and rescue, and providing immediate, accurate weather and sea state conditions to approaching mariners and aviators.

I had the pleasure of visiting both coasts as part of the fact-finding visits the committee undertook for this study. I was fortunate to visit some of those lighthouses, which have stood for decades protecting our coasts and those people who make their living from the sea. I was struck by the remoteness of some of these lighthouses, and the multi-faceted role lightkeepers play.

• (1450)

Although the Coast Guard proposed the de-staffing as a cost-saving measure, the committee was convinced by the overwhelming testimony we heard from coast to coast that staffed light stations play an essential role that cannot be filled with automated stations. Automated equipment is seen to be unable to compare with the certainty, reliability, knowledge and judgment of an experienced lightkeeper. Fishermen, in particular, expressed concerns to the committee that the new automated lights were insufficiently bright and less reliable than the staffed lights.

Nonetheless, advancements in technology, current needs and cost all must play a part in determining the fate of each lighthouse. Yet, each light station is unique. Its placement, purpose, benefits, costs and importance must be evaluated individually on a station-by-station basis, with input from the lightkeepers themselves and from the community. The committee strongly recommends that the government's one-size-fits-all approach to de-staffing must be reconsidered.

The government's all-or-nothing approach is also disturbing in relation to the recent decision to declare over 1,000 light stations surplus under the Heritage Lighthouse Protection Act. The sheer number of lighthouses declared surplus is staggering. In my view, the certainty that lights on a metal tower can always be equally effective as traditional lighthouses is still in question. Furthermore, it is unclear if the community has had sufficient understanding of the process regarding protecting surplus lighthouses. In addition, the states of disrepair some of these lighthouses have fallen into threaten the viability of community groups assuming responsibility for their future. These issues and others must be examined as part of our ongoing study into the implementation of the Heritage Lighthouse Protection Act.

In conclusion, honourable senators, I commend the committee's report on de-staffing to the chamber and encourage the government to consult broadly on the light station on a light

station by light station basis, and examine the opportunities presented by staffed light stations before any further action is taken to de-staff lighthouses.

(On motion of Senator Patterson, debate adjourned.)

GOVERNMENT PROMISES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

Hon. Doug Finley: Honourable senators, it is with great disappointment that I rise to speak today on this publicity stunt. I had not planned to speak on this item until I read Senator Cowan's comments in the media expressing the fact that this inquiry is part of a 10- or 12-day comprehensive program by the Liberal Party to "reveal" the broken promises.

Stunts like this one not only give our party more examples of the desperate need to reform the Senate, but they provide more ammunition for Canadians who want to abolish the place.

Honourable senators, it used to be said that the only certainties in life are death and taxes. To this list we can now add Liberal rhetoric and hypocrisy.

I understand that the last five years have been tough on the Liberal Party. The self-proclaimed "natural governing party" has been out of power for five years. Even Frank Graves and EKOS polls are showing Liberal Party numbers heading south. Their leader makes them long for the "glory" days and the high polling days of Stéphane Dion. They cannot comprehend how Canadians would allow Stephen Harper to serve longer than Lester B. Pearson.

Honourable senators, make no mistake; Senator Cowan has a tough job. I do not envy him, because we are not giving him enough material. There has not been a boondoggle at Human Resources and Skills Development Canada or a gun registry boondoggle. Stephen Harper would never dream of profiting from shady real estate deals using his influence as Prime Minister, for example, in the Shawinigate affair. None of our ministers have given visas to strippers who volunteered on their campaigns. No government contracts have been given to former boyfriends or girlfriends of cabinet ministers. Our senators are not living in Mexico or being charged with fraud.

Furthermore, there has not been a sponsorship scandal. Remember that scandal — tales of taxpayers' money being shuffled into the Liberal Party and the pockets of their friends via brown paper bags? Rather than spend time talking about errors, let us talk about where the \$40 million went.

We have made Senator Cowan's life difficult because there has been none of that type of Liberal scandal and corruption under our watch. Yet the Liberals, despite their promises of civility, have decided to go on a planned long-range offensive with this inquiry.

This effort clearly would be orchestrated by Michael Ignatieff and Peter Donolo, who would rather play games and force an unnecessary election than talk about the economy — the most important issue to Canadians.

Honourable senators, let me make this clear: the Conservative Party does not want an election. Our choice is to govern the country in the clear and successful path that we have followed for five years. Canadians agree with us. Canadians do not want a disruptive, untimely and expensive election.

We do not think that this offensive is either sound or useful, but, like anyone so massively attacked, we might possibly respond. It is possible that, over the next period of time, we will not only refute and counter the Liberal rhetoric, but we will remind Canadians of the multitude of broken Liberal promises — governments from the past — the scandals and the ineptness that characterized the self-proclaimed golden years of the Chrétien-Martin governments, where, one might add, many of these Liberal senators served time in cabinet.

We may also recount amazing private and potentially destructive deliberations within the Liberal cabinet, and we may take time to analyze incisively the litany of current and recent promises that the current Liberal opposition has made — and we are not in an election yet.

Honourable senators, the Liberals evidently want to use this chamber as a launching pad for a nakedly partisan attack on this government. Why: because they do not have the fundraising skills or the general popularity to raise the money to take their message, paid on their own dime, to Canadians directly. Typically, the sponsorship party will use the taxpayers' money to provide them with a platform to do so.

This chamber could better use its time discussing and debating matters of real interest to Canadians, like the economy, the safety of our communities, preventing human smuggling, safe drinking water for Aboriginals and creating jobs for Canadians.

The Senate, I have learned, is a place where I can learn, grow and contribute to the important and pressing matters of the day. Only last week, Senator Cools made an excellent, well researched, thought-provoking speech on Bill C-232. I learned more about the history and the precedence of the Senate through one presentation than I ever thought possible.

• (1500)

Honourable senators, the party of entitlement would rather choose to waste the Senate's valuable time trying to place their party and unpopular leader into a position to force an unnecessary election. Over the next few weeks, if the Liberals persist in this bizarre ploy as suggested in the media by Senator Cowan, they can count on a response.

The symbol, the icon, nay the bible of broken promises in Canada is none other than the Red Book. Paul Martin once was quoted as having said, screw the Red Book — evidence that the Liberals never had any plan to keep their promises in the first place. This book was a great lie designed cynically to compel Canadian voters to vote for a party that had no intention of living up to its content.

The Goods and Services Tax, to quote Prime Minister Chrétien, "will be gone in two years." That was in November, 1993.

Child care and the promise to build 50,000 spaces a year up to 150,000; where are they?

Renegotiating the North American Free Trade Agreement, NAFTA: For sure, the Red Book said they would renegotiate both the Free Trade Agreement and NAFTA.

Replacing the Sea King helicopters: "Why is the government spending this money on a Cadillac system we don't need?" said Jean Chrétien in 1993.

Ethics: "Open government will be the watchword of the Liberal program." That was 1993. "If government is to play a positive role in society, as it must, honesty and integrity in our political institutions must be restored."

This Red Book designed a legacy of entitlement that later would stun a nation. Unlike the Chrétien government, who was elected on the Red Book and ignored it, our government was elected on five priorities in 2006: the Accountability Act; cutting the GST; cracking down on crime; increasing financial assistance to parents; and fixing the fiscal imbalance and working with the provinces to establish patient wait time guarantees.

With no thanks to the Liberal Senate, the government passed the Accountability Act in December 2006. This act ensures that the government is accountable to Canadians and not to Liberal friends and Liberal interest groups.

That was a promise made; promise kept.

We pledged to cut the GST by two points — a tax that the Liberals had promised to abolish 13 years prior. On July 1, 2006, the GST went from 7 per cent to 6 per cent. On January 1, 2008, the GST went from 6 per cent to 5 per cent.

That was a promise made; promise kept.

We promised to end the revolving door of a Liberal justice system. Although the hug-a-thug coalition is still fighting us on over 20 important crime bills, in the last five years we have passed 18 bills to strengthen our laws and keep our communities safer.

That was a promise made; promise kept.

Our party promised to give parents a choice in child care by creating the Universal Child Care Benefit. The tax-and-spend Liberal Party told us it would be wasted on beer and popcorn. Canadian parents now receive \$100 per month for over 2 million children and still have a choice in child care.

That was a promise made; promise kept.

After years of balancing the budget by slashing health care transfers and downloading onto the backs of the provinces, our government pledged to correct the fiscal imbalance and ensure that patient wait time guarantees were established. Budget 2007 corrected the fiscal imbalance, and we have implemented wait time guarantees for patients in every province and territory.

That was a promise made; promise kept.

In conclusion, honourable senators, I repeat that this Conservative government respects the wishes of Canadians: no election; keep working on the economy; continue to create jobs for today and tomorrow; make our communities safer; and strengthen our military. Those things are our commitment. I ask Liberal senators to respect their own call for civility. Abandon this phony stunt and settle down to pass the considerable amount of proposed legislation that is before us or coming soon.

Hon. Joseph A. Day: Honourable senators will note that this matter was adjourned in the name of Senator Cordy. I have spoken to the honourable senator, and she does not object to me speaking at this time; I am sure that the honourable senator opposite afforded her the same courtesy. When I finish my comments, if honourable senators are agreed, I will adjourn the debate in the name of Senator Cordy.

Honourable senators, I thank Senator Finley for setting the tone for the debate on this inquiry. I may not adopt the same tone, and honourable senators will understand why.

I rise to enter the debate on Senator Cowan's inquiry. Honourable senators will remember that when the current government came to power, it did so promising a new era of transparency and accountability and telling Canadians that it only would make promises that it could keep and that Canadians could rest assured that they would keep all of their promises.

Honourable senators, five years later we see that this promise was the greatest broken promise of all. Senator Cowan has reminded us of the broken promise on income trusts, which destroyed the lives and life savings of so many of our senior citizens.

Honourable senators, I want to talk about a different promise, which was set out in the Conservative Party's 2006 federal election platform: The promise to establish a public appointments commission. The wording from the platform states that a Conservative government will:

Establish a Public Appointments Commission to set merit-based requirements for appointments to government boards, commissions, and agencies, to ensure that competitions for posts are widely publicized and fairly conducted.

Honourable senators will recall the discussion that took place during Question Period and, had that been commission been established, it would have saved the embarrassment that was evident in the answers given by the Honourable Leader of the Government in the Senate.

I am sure that all Honourable senators remember the promise that partisanship was to be a thing of the past, at least in terms of government appointments to boards and agencies. Mr. Harper, the candidate, promised Canadians solemnly that if elected, he would establish a new public appointments commission to take partisan politics out of the appointment process.

Candidate Harper was elected by Canadians who embraced this platform. Prime Minister Harper then introduced his much-touted Bill C-2, the proposed accountability act, which included provisions authorizing the Governor-in-Council to appoint the public appointments commission.

So far so good, honourable senators, however, on careful examination of Bill C-2, we discovered that this promise had become discretionary. The proposed legislation stated that the Governor-in-Council may establish a commission. I was a critic on this piece of proposed legislation, as a member of the Standing Senate Committee on Legal and Constitutional Affairs when Bill C-2 was studied.

The committee proposed an amendment to make it mandatory for the Governor-in-Council to appoint a public appointments commission. The amendment was passed by the committee and passed by the Senate as a whole, but was rejected by the government when the bill was sent back to the other place. Many honourable senators liked the idea of ensuring merit appointments to boards and agencies, duplicating the merit principle that exists in the public service, which works well.

Honourable senators, the government rejected the proposed amendment in the other place. They said the amendment "would limit the capacity of the Governor-in-Council to organize the machinery of government" and "as such are unacceptable."

• (1510)

What happened with respect to the commission after Bill C-2 was passed, honourable senators? Prime Minister Harper never did exercise his discretion to establish a public appointments commission.

It is true that he put forward a name of a candidate to chair a proposed public appointments commission. This was a process set up by Mr. Harper before Bill C-2 was passed. Under those old rules, committee members of the other place considered the proposal and, in their wisdom, disagreed with the proposed chair of the public appointments commission and rejected the name.

Honourable senators, the Prime Minister abruptly announced that he was scrapping of idea of a commission altogether. If he did not get to choose his candidate, then the public appointments commission was not to be. The Prime Minister said that no other candidate would be put forward. There was apparently no other man or woman in the entire country who was qualified to do the job. The Prime Minister took his marbles and went home. He went back to 24 Sussex, the keys to which he obtained on the strength of a platform which he was now breaking.

Subsequent to this, honourable senators, Bill C-2 was passed with a provision still in it for a public appointments commission, with an advisory role in Parliament and not a mandatory "yes" or "no" for the appointment. Parliament, therefore, was still involved, but not to the same extent.

Then, honourable senators, in an apparent change of heart, the Prime Minister actually repeated the promise to establish a public appointments commission in the 2008 election platform. It states:

We will appoint members to the Public Appointments Commission. . . . A re-elected Conservative government will ensure that the Public Appointments Commission gets up and running.

That is in the 2008 Conservative platform, honourable senators; but one has to conclude that there was never any intention to fulfil that promise. Here we are in 2011 and we still have no public appointments commission. Promises made, promises broken.

This government has also promised to be fiscally conservative, honourable senators — that is with a small “c.” I suspect we may hear a whole lot of speeches on the broken promises alone with respect to fiscal responsibility.

The government has actually managed to spend millions of dollars on this nonexistent, non-appointed commission. That is true, honourable senators. This nonexistent commission has a bureaucracy and a secretariat. It has appropriated more than \$1.5 million in the past three years to run a fictional commission and the secretariat, which is sitting there waiting for the commissioners to be appointed.

Meanwhile, Prime Minister Harper has earned the title the “patronage king” for his thousands — literally thousands, some 4,670 — of patronage appointments that have been made with flagrant disregard for the election promise to Canadians.

Some Hon. Senators: Shame, shame.

Senator Day: Appointments that would have taken place through this commission, honourable senators. Appointments that continue to raise concerns as boards and agencies are being filled with well-connected friends of prominent Conservatives, including senior staff to the Prime Minister, Conservative Party donors and unsuccessful candidates.

However, honourable senators, I do not want you to misunderstand this statement. Just because someone participates in the political process, it should not be a reason for excluding that person from consideration to an appointment. However, that person should also be qualified for the appointment, quite apart from his or her political affiliation.

The problem, honourable senators, as you have seen from the questions that were asked during Question Period with respect to the CRTC, is that there is no independent commission to ensure that the appointment is based on merit. Hence, the public quite naturally lacks confidence in the appointment process and otherwise qualified individuals are tainted with the “political hack” brush. This is not good for the political process and this is not good for the governance of our country.

The Leader of the Government in the Senate, honourable senators, stalwartly maintains that her government fully intends to live up to the commitment to appoint a public appointments commission. She said that in December 2009 in response to a question I asked of her.

Clearly, Canadians deserve more, honourable senators. Surely two elections, five years and almost 5000 appointments later, it is not too soon to expect Mr. Harper to fulfil a two-time election campaign promise.

Honourable senators, it is time for honesty, clarity and accountability. If the Harper government has a sense of honour, it would immediately engage in discussions with the opposition

parties to find an acceptable candidate who had the confidence of Parliament for this important job and who both sides of this chamber accepted. Until then, honourable senators, Canadians have but another promise made and another promise broken.

Honourable senators, just like the fixed election dates, the promise will be gone with a whim.

Some Hon. Senators: Hear, hear.

(On motion of Senator Cordy, debate adjourned.)

FIFTH ANNIVERSARY OF CURRENT GOVERNMENT

INQUIRY—DEBATE ADJOURNED

Hon. Grant Mitchell rose pursuant to notice of February 10, 2011:

That he will call the attention of the Senate to issues related to the 5th anniversary of the Government.

He said: Honourable senators, I rise to answer a statement made by Senator Finley several days ago — three minutes in which he tried to make a case for there somehow being an occasion to celebrate five years of Conservative government and Mr. Harper’s regime in this country.

• (1520)

We all want to welcome back to the Senate a colleague who has had a difficult time with health issues, and it was great to see Senator Finley stomping, snorting and breaking some China once again — the old warrior never giving up. It strikes me that the harder old warrior fights; the more he knows he is wrong. Senator Finley reflects the single, most piercing, core, deep-hearted value of this government: When in trouble, attack to distract.

Honourable senators, three minutes later, after arguments so light that they are stuck on the top of this ceiling, I was struck to observe that never has so much been concluded on so little evidence in such a short period of time.

Senator Finley began by saying, and lauding his leader, that his leader had stuck to the belief that hard-working Canadians pay too much in taxes and that income taxes have been cut across the board.

Honourable senators, let us put that into perspective. When our side left government, we had reduced the lowest level of income tax from 15.5 per cent to 15 per cent. The first thing this government did when it came to income tax was to increase it back to 15.5 per cent. Some years later, this government reduced it to 15 per cent taking credit for having reduced taxes. What is the saying? “It is like being born on third base and thinking you hit a triple.”

In Senator Finley’s second point about taxes, the honourable senator laments the tax burden of hard-working Canadian people. Honourable senators, whose taxes have they cut most? It is not

the taxes of those of hard-working Canadians, despite the fact that income tax cuts to middle-income and lower-income Canadians have much greater reverberations throughout the economy. Rather, they are cutting corporate taxes by \$6 billion. How many hard-working foreign owners of those corporations are being rewarded with corporate tax cuts that will not stimulate an economy like income tax cuts to Canadian middle-income and lower-income families would, and in a much greater way?

Honourable senators, Senator Finley goes on about the GST. How long do we have to listen to the GST hyperbole? Senator Finley should be reminded that many members of his Senate caucus were not only in the House of Commons at the time the GST came in but voted for the GST in this house. He has had five years to do away with the GST. His government is in power, so why does he not do it? He continues to do what this government does.

The second thing this government does is attack to distract. A subset of that is to blame something on a government that is no longer there and that they can fix because he is in power. Senator Finley has the responsibility, and the power to back it up. Why does he not do it? Stifle the rhetoric and act. Make decisions — decisions that follow from you are trying to blame others for not doing or for having done.

Finally, honourable senators, when talking about tax increases, let us talk about a \$56 billion tax increase that is a deferred tax increase to future generations. It is every bit a tax increase. However, the horror of it is that his government has just increased that tax by borrowing \$56 billion. It is beyond belief how the honourable senator can stand in this house and not, on a five-year anniversary, make reference to the fact that his government has been least fiscally responsible government perhaps in the history of this country.

Senator Finley also argues this “tough on crime” agenda. We keep hearing that; we hear great spin. “Tough on crime.” “Hug-a-thug.” “Hug-a-thug coalition.” “Loose on truth” would be another one. “Revolving door justice.” They are very good on the spin.

Honourable senators, let us again look at a couple of fundamental, substantive points. First, we have been given no idea what such a “tough on crime” agenda will cost. Estimates put the first two major crime bills at about \$18 billion extra. That is not just capital expenditure; some of that is one-time, and some will go on for a long time. That is \$18 billion.

They know how desperately that represents poor economic fiscal management. How do we know they know that? They will not tell anyone what the real facts are or, worse yet, they do not know the real facts. This government is bringing in legislation that will create a huge burden on the future on our fiscal regime and they are unaware of what that burden will be.

Why do we have a \$56 billion deficit? We have a \$56 billion deficit because they do not know how to budget; they do not budget in advance. We saw that in the Defence Committee this week with the Shiprider agreement, Bill S-13. This government has no idea what it will cost, but insist on bringing in the

legislation. It is all the more galling because they are bringing in billions of dollars of “prison reform” that will not work. They say they will help victims. They will only create more victims, because these people will not be rehabilitated. They will go out after \$18 billion of excessive, absolutely unnecessary expenditure and create more, not fewer, victims. Mark my words.

Never before has so much been concluded on so little evidence in such a short period of time.

When Senator Finley attacks to distract, what is he trying to distract us from? Let me begin to list the items. I do not blame him for doing so, because it is horrifyingly embarrassing, if one could actually embarrass this government.

[Translation]

Over the past five years, the cost of living has increased faster than income for many Canadian families. Generally speaking, the cost of living has risen by 9 per cent since the Conservatives came to power. The growing costs and the lost jobs mean that many Canadian families have had to make do with less or resort to borrowing money in order to make ends meet. The GDP per capita has decreased by 1.3 per cent since the Harper government came to power.

[English]

Honourable senators, the standard of living of Canadians has diminished 1.3 per cent per capita since this government took over five years ago. That is quite a record.

Canadians are more in debt today than they were five years ago. For the first time in 12 years, Canadians are more in debt than Americans. The average Canadian carries a debt equivalent of one and half times their after-tax income. Great fiscal regime; great economic management. Canadians are more in debt per capita, relative to our economy, than perhaps ever before. They are certainly in debt at one and half times their after-tax income.

In the past five years, the debt Canadian families carry relative to their disposable income has risen by 20 per cent. Well done. The honourable senator's government put Canadians further in debt. Canadian household consumer debt is now the worst among the 20 most advanced countries in the OECD. Do not tell us that we are outperforming other countries economically; because where it really counts — in the homes and among the families of our country — we are way behind. We are behind the 20 most advanced countries in the OECD.

Since the Conservatives came to power, personal bankruptcies are up more than 33 per cent compared to the highest levels since records were publicly announced. We are talking results. We are not talking rhetoric. We are not talking spin. We are not talking catchy phrases. We are talking results that matter where Canadians live: They live with their kids, their grandkids and their families and they worry about their futures. They do not have a government that worries about their futures.

Senator Finley, listen to this because you need to hear this.

[Translation]

Under the government of Stephen Harper, families have taken on a greater share of the cost of health care. Compared to 2005, Canadian families were paying 29 per cent more in 2009 for a growing list of health care expenses that are not covered, such as prescription drugs and private insurance.

Today, the average Canadian personally pays 17 per cent more for pharmaceutical products than in 2006. Families are increasingly relying on each other for care. Over 40 per cent of family caregivers use personal savings to survive and 65 per cent of them have an annual family income of less than \$45,000.

[English]

Honourable senators, high-quality full-time jobs have disappeared under Mr. Harper's government. I think the word Senator Finley used was that it was a "momentous occasion" — a momentous occasion — to celebrate five years of Mr. Harper. I guess if you were one of the Canadians who has lost a high-quality full-time job, you would not think it was a momentous occasion.

• (1530)

Under the Conservatives, low-quality part-time jobs have been created at a rate three times faster than full-time jobs. That is an accomplishment. Since the start of the recession in 2008, the economy has lost 76,000 full-time jobs, which have been replaced by 121,000 part-time alternatives. Unemployment in Canada is 25 per cent higher today than it was five years ago. That is 280,000 more Canadians unemployed than there were five years ago. That is quite a momentous occasion. Why do you not get up and celebrate that one, Senator Finley?

Under the Harper government, families are finding it tougher to support their children's futures. We do worry about our children. I know that every one of us here believes in family values.

In a comparison of child care services available to parents in the 25 most-developed countries, UNICEF ranked Canada dead last in terms of quality of and access to child care spaces. We failed in nine of their ten categories.

Average undergraduate university tuition has risen by over 20 per cent in the past five years with no comparable increase in federal funding or federal student aid. The future is education. Nearly three quarters of parents now believe they will be unable to afford post-secondary education for their children.

It is very telling to listen to this statistic: 16 per cent of low-income students now plan to delay additional studies because of the level of debt they have. For low-income families, debt is one of the most powerful inhibitors to post-secondary education.

Student borrowing from the federal government has reached the highest level in its history and is at \$15 billion. We are graduating students with mortgages, but no houses.

[Senator Mitchell]

Under Mr. Harper, the federal government is borrowing money to pay for increased spending. There was an excellent column today by Dan Gardner in the *Ottawa Citizen*. He explicitly said, and I quote, "This government is incompetent."

If one ever wanted to see an incompetent government, look at the fiscal record of this government. They do not mention that in their three-minute statements celebrating five years of Mr. Harper.

Here is what we have to celebrate: In just five years under Stephen Harper, the Conservatives turned Canada's \$12 billion budgetary surplus into a \$56 billion deficit. That is a \$68 billion turnaround. There is no doubt that that takes a lot of effort.

Under Mr. Harper, the annual government programs spending increased by \$80 billion on a \$200 billion base budget. That is a 40 per cent increase in expenditures. We have seen a massive increase in the salaries of public servants and in the number of public servants under this regime.

The Conservatives took the country into deficit before the recession began. One should not listen to those who say this is all due to the recession, because it is not. It happened eight months before the recession began and before the government even admitted there would be a recession. They also got rid of the surplus, so that was a \$68 billion turnaround.

Since we all know this, I am repeating only for emphasis.

In 2010-11, the government spent \$1 billion on a G20 photo op, \$16 billion on an untendered deal for stealth fighters, \$6 billion on corporate tax cuts, and \$18 billion on new prisons and the effects of new crime legislation. We could go on.

There is literally no control of this government's expenditures, and frequently we get a clear indication that they do not even know what legislation will cost when they bring it in.

Canada's combined federal, provincial, territorial and municipal debt under this government is 83.4 per cent of gross domestic product. It is only marginally better than that of the United States, which is at 84.4 per cent, and they are known for their ability to create debt. It is worse than that of Australia, Germany and the United Kingdom, places and economies with which we have always compared relatively favourably.

The Hon. the Acting Speaker: The honourable senator's time has expired.

Senator Mitchell: Could I have five more minutes?

Senator Comeau: Five minutes.

Senator Mitchell: Thank you very much.

By 2016, at the end of the Conservatives' five-year deficit projections, each Canadian will have a \$17,200 share of the federal debt. A family of five will be in the hole to the tune of \$85,000. That is great.

[Translation]

In five years, Canada's reputation has gone from world leader to a nation isolated on the world stage.

[English]

I will not go on for long about that. We know that under this government we have lost our stature, our presence and our influence in the world. There are all kinds of ways in which that has happened, but it is an indication of fundamental incompetence in dealing with our place in the world and in establishing our international relations.

There are many reasons why this has occurred. We see the ad with Mr. Harper working all by himself, with no friends and no team. His desk is covered with piles of paper, and he is signing things. It is a middle management technique to have piles of paper. He is probably putting "nots" on documents and following up on all his ministers rather than delegating. That is one reason that we do not have strong leaderships at that level.

He is worried about getting special reports on signs for stimulus packages. Who is worrying about Israel, health care, education and Afghanistan when the Prime Minister is worrying about signs? We are talking about focus and the ability of a leader to delegate to strong people — if they can attract and hold them — and there are serious questions about that.

This question is partly rhetorical: If the president of Honda hated cars, what kind of company would Honda be? If the Prime Minister of Canada hates government, what kind of government would he create? He would create a government that is sometimes incompetent, if not often or always, frequently indifferent, usually irresponsible and invariably ideological, and we would have the kind of results that I have just listed that demonstrate very clearly that the last five years are nothing to celebrate, particularly if one is a middle- or lower-income Canadian struggling to build a future for one's family.

(On motion of Senator Finley, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY THE PROGRESS IN IMPLEMENTING THE 2004 10-YEAR PLAN TO STRENGTHEN HEALTH CARE

Hon. Art Eggleton, pursuant to notice of February 15, 2011, moved:

That, pursuant to Section 25.9 of the *Federal-Provincial Fiscal Arrangements Act*, the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the progress in implementing the 2004 10-Year Plan to Strengthen Health Care; and,

That the Committee submit its final report no later than October 31, 2011, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

He said: Honourable senators, I will take only a minute to tell you a bit about this. A letter was received by both myself and the Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, Senator Ogilvie, from the Minister of Health, the Honourable Minister Leona Aglukkaq, asking us to look at the health accord pursuant to section 25.9 of the Federal-Provincial Fiscal Arrangements Act.

That act provides for the review of the ten-year plan to strengthen health care that was adopted in 2004. It provides for three-year reviews, the first to take place in March of 2008, and that was in fact conducted by the House of Commons committee at that time. The second review is the one referred to in this motion. The minister has asked our committee to carry out that review, so I recommend to the Senate that we do so.

This is an extremely important issue for Canadians. The accord will expire in 2014 and there are a number of key issues that need to be looked at. They were looked at in 2008 and will be looked at again. They include reducing wait times; improving access; strategic health human resources, an action plan on doctors and nurses, et cetera; home care; primary health care reform, including electronic health records and telehealth; access to care in the North; the national pharmaceutical strategy; prevention and promotion in public health; health research and innovation; accountability and reporting to citizens; and dispute avoidance and resolution. Those are the 10 main components of the accord, and we are designing our meetings around those 10 main components, but obviously, it is a wide-ranging examination.

• (1540)

The study will commence, if approved by the Senate, before March 31, which is what is required by the legislation, but we will take a little extra time to do all of this. We anticipate having about a dozen meetings, and we will have the hearings completed by the summer adjournment, which would be about the middle of June. The report would be prepared over the summertime and presented in the fall. That is, of course, if we do not have an election, which would bring everything to a halt, should it happen. That is the schedule we are working on, and this resolution gives us to the end of October to file a report.

This says a great deal about our Social Affairs, Science and Technology Committee as well as the Senate in general in terms of the quality of reports and studies that are done. This particular committee, under its previous chair, Senator Kirby, prepared some well-regarded reports on health care and on mental health issues. We certainly want to continue that tradition by providing a quality report. We want to contribute well to a national conversation about these major issues on health care that we face in the years ahead.

With that, I move the adoption of the motion.

The Hon. the Acting Speaker: Are senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY RESEARCH AND INNOVATION EFFORTS IN THE AGRICULTURAL SECTOR

Hon. Percy Mockler, pursuant to notice of February 15, 2011, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on research

and innovation in the agricultural sector. In particular, the Committee shall be authorized to examine research and development efforts in the context of:

- (a) developing new markets;
- (b) enhancing agricultural sustainability; and
- (c) improving food diversity and security

That the Committee submit its final report to the Senate no later than March 31, 2012 and that the Committee retain until September 30, 2012 all powers necessary to publicize its findings.

(Motion agreed to.)

(The Senate adjourned until Thursday, February 17, 2011, at 1:30 p.m.)

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(HANSARD)

Thursday, February 17, 2011



THE HONOURABLE KELVIN KENNETH OGILVIE
ACTING SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, February 17, 2011

The Senate met at 1:30 p.m., the Honourable Kelvin Kenneth Ogilvie, Acting Speaker, in the chair.

Prayers.

SENATORS' STATEMENTS

CANADIAN FOUNDATION FOR PHYSICALLY DISABLED PERSONS

GREAT VALENTINE GALA

Hon. Yonah Martin: Honourable senators, it was love at first sight. The rooms were filled with bedazzling jewels, fine wine, chocolate kisses and beautiful music. Everyone was in the mood for love. There was no hope for a hopeless romantic like me but to be swept away by the magical experience of the twenty-seventh annual Great Valentine Gala that took place on February 12, 2011, at the Fairmont Royal York in Toronto, Ontario.

It was my first gala night to remember. However, honourable senators who have long been patrons of the Great Valentine Galas of the past understand the vision and passion of the chairman of the Canadian Foundation for Physically Disabled Persons, the heart of the foundation, our dear colleague, Senator Vim Kochhar, Cupid himself.

When Cupid's arrow hits its mark, your heart melts and you find true love: love of humanity and love of breaking down all barriers for people with physical disabilities to pursue every dream.

[Translation]

Honourable senators, we have all participated in a number of events. Like me, I am sure that many of you have organized a special event or two. That is why I expected the unexpected instead of building myself up with the expectation of an experience that would be forever ingrained in my heart.

[English]

Honourable senators, as I arrived at the event, I was greeted by beautiful smells and the welcoming words of two hosts who directed me to the reception table. The cocktail reception room was romantically lit with candles, but what woke me up from my slumber was the genuine energy and conversation of the people who filled the room.

I met a lovely couple who were employees of Scotiabank Group, a platinum patron of the foundation, who shared with me their passion for their advocacy work with the autism community. I met patrons who were attending their fifteenth, twentieth or twenty-sixth gala.

We were soon invited to enter the banquet hall. This room housed the large decorated stage, and on it, in dazzling neon lights, were the words "27 years." Bright lights and balloon pillars framed the stage. The gala's dynamic host, Suhana Meharchand, kept the evening flowing, to a gala tradition called *tambola*. This

fireworks display of popping balloons revealed hundreds of great prizes. Gord Paynter, a blind comedian, whose humour was entertaining and insightful, entertained us. We listened to the brilliant tenor, Tim McCallum, who has the voice of an angel and who dreams of being the first person in a wheelchair to star in *Phantom of the Opera*. We watched the talented medallists of the 2010 Paralympic Winter Games receive their King Clancy Awards. Honourable senators, for the grand finale, we heard an extraordinary performance by Chantal Kreviazuk.

[Translation]

The twenty-seventh annual Great Valentine Gala was one of the most memorable and inspiring events I have ever had the pleasure of attending in my life. Thank you from the bottom of my heart.

Senator Kochhar, you have dedicated over 30 years of your life to raising millions of dollars and to promoting awareness of physical disabilities and of the power of our collective resolve to improve the lives of all Canadians with physical disabilities.

[English]

Senator Kochhar, I offer my congratulations to you and the incredible gala team: George Przybylowski, Sabi Marwah, Yezdi Pavri, Dorothy Price the board of directors, patrons, sponsors and the tireless volunteers.

I am already making plans to be swept away by love at next year's Great Valentine Gala.

THE LATE MADISON RAE MCDUGALL BURCH

PUBLIC CORD BLOOD BANK

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak about a young friend of mine, Madison Rae McDougall Burch, who departed this life on Friday, February 11, a month before her fourth birthday, at home in Marriotts Cove, Lunenburg County, Nova Scotia, surrounded by family and friends.

In August 2009, Madi was diagnosed with acute myeloid leukemia. She immediately began chemotherapy at the Izaak Walton Killam Health Centre in Halifax. Full remission was achieved, but Madi relapsed quickly. She was transferred to The Hospital for Sick Children in Toronto for a bone marrow transplant. This time the remission held longer, but, in November 2010, the cancer returned permanently.

Honourable senators, during her much-too-short life, Madi redefined the meaning of courage and taught us all the power of spirit, determination and joy. In her final months she lived every day to the fullest. She became an avid reader and, through the kindness of the Children's Wish Foundation, Madi and her family travelled to Walt Disney World in Florida, where her beloved Tinker Bell welcomed her. Madi inspired countless parents to hug their children even tighter every day, and she left everyone with wonderful, lifelong smiles and memories.

Honourable senators, Madi inspired many doctors and scientists to work harder to solve cancer's mystery. It is in this regard that we must not let this precious, short life pass without meaning and contribution. The Hospital for Sick Children, who lovingly cared for Madi while she was their patient, is conducting leading research in the field of stem cells and regenerative medicine. Stem cells are the body's building blocks or master cells that can develop or differentiate into any type of tissue or organ. These cells are the focus of regenerative medicine, medicine that involves growing new cells, tissues and organs to repair, replace or regenerate those damaged by aging, disease or injury.

• (1340)

Stem cells have been collected post-birth without controversy from umbilical cord blood and from bone marrow. Canada would benefit from the availability of umbilical cord blood, reflecting the genetic diversity of Canada, and which could be used to provide matched recipients with stem cell therapies.

However, Canada is the only one of the 58 developed nations in the world without a public cord blood bank. In addition to that scientific shortcoming, not having a cord blood bank is expensive. In 2010, Canada imported 90 units of cord blood at a cost of between \$40,000 and \$80,000 each, totalling an average cost of \$5.4 million.

I do not know if the availability of matched umbilical cord blood would have helped Madi or saved her, but I do know that we should do all we can to have such blood available for children like Madi and the thousands of other Canadian children suffering from myeloid leukemia and other diseases.

In Madi's name, I urge the Government of Canada to establish forthwith a public cord blood bank.

SPORTS

Hon. Andrée Champagne: Honourable senators, I do not know how many of us are sports fans. Some people were surprised recently to discover me among those who keep track of what is happening in the sports world.

While scanning newspapers across the country, some headlines probably attracted the attention of almost everyone. In the last two weeks, we all saw the Montreal Canadiens have huge problems while playing the Boston Bruins. Yes, they scored six goals, but that was not enough. They also had to fight many boxing matches during the game.

The next night, they found a way to lose the game in overtime. Last Saturday night, they brought their best against the Toronto Maple Leafs only to lose in a wild shoot-out last Tuesday. The New York Islanders and the Pittsburgh Penguins also met recently for a boxing match during which, as the saying goes, a hockey game broke out.

Finally, the National Hockey League bosses decided that enough was enough, so the New York team was fined and two players were suspended for many games. When a player steps onto the ice, injuring someone from the other team should not be part of the game plan, so the coach says.

That, my friends, was the dull part of the past two weeks in sports. The best came from athletes who were not supposed to be professionals, but who gave their best in their respective disciplines while following the rules of the game. Our Canadian guys and gals who did so well last year at the Olympics were on the world scene again, and proved to us that the help they were given before the Vancouver Olympics is still paying in gold, silver and bronze.

In the last few days, we have seen the likes of Jennifer Heil and Alexandre Bilodeau manage those bumps and perform those jumps better than ever. Both are coming home with gold medals from the world championships. Chris Del Bosco, Warren Shouldice, Mike Riddle and Mikaël Kingsbury also won medals in different ski competitions.

To Didier Cuche's great surprise, Erik Guay flew down that hill in Germany and became world champion. Again, Christine Nesbitt achieved her goal of another podium finish in speed skating. Marianne St-Gelais won gold in the 500-metre short track race and, with a little help from her friends, will bring home silver as well for participation in the relay race.

Finally, preparing for the London Summer Olympics in 2012, we saw young Milos Raonic win his first big tennis tournament in San Jose. On January 1, he was ranked 152 in the world. After the Australian Open, where he reached the final group of 16, he was elevated into the top 100 best tennis players in the world. After his win last Sunday, he was ranked 52, and he just turned 20. Canada has a new star shining brightly in the professional tennis sky.

We can all be proud and hope that our government will continue to help our young athletes reach what they all hope for — the top. We all want to continue screaming, "Go, Canada, Go," to see our flag on the centre pole and to hear our national anthem sung all over the world.

I hope I did not forget anyone.

[Translation]

ROUTINE PROCEEDINGS

LABOUR

CANADIAN ARTISTS AND PRODUCERS PROFESSIONAL RELATIONS TRIBUNAL— TABLING OF 2009-2010 REPORT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to the Status of the Artist Act, S.C. 1992, c. 33, s. 61, I have the honour to table, in both official languages, the 2009-2010 Report of the Canadian Artists and Producers Professional Relations Tribunal.

[English]

• (1350)

ELECTRICITY AND GAS INSPECTION ACT WEIGHTS AND MEASURES ACT

BILL TO AMEND—NINTH REPORT OF BANKING,
TRADE AND COMMERCE COMMITTEE PRESENTED

Hon. Michael A. Meighen, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, February 17, 2011

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

NINTH REPORT

Your committee, to which was referred Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act, has, in obedience to the order of reference of Thursday, February 3 2011, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MICHAEL A. MEIGHEN
Chair

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Meighen, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

(Bill read first time.)

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading, two days hence.)

QUESTION PERIOD

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. Francis William Mahovlich: Honourable senators, my question is directed to the Leader of the Government in the Senate. I think every senator agrees that the men and women in military uniforms deserve our admiration and respect for putting their lives on the line for our country every day. They defend this country and ask for little in return. To ensure that Canada stays the safe and protected country it is today, I feel it is important not to add the role of salesperson to our officials at the Department of National Defence.

According to a report that came out today, public servants have accumulated at least 600 hours in overtime and senior military officers have travelled from coast to coast to promote the F-35 fighter jet project and to gain public support. Never before has the Chief of Defence Staff been required to sell the government's plan to the nation.

Will the government allow the military to focus on its official mission to protect Canada, rather than to act as salespeople for this project?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the answer is clear. This decision was taken in the interests of the Canadian Forces, in terms of the Canadian Forces having the proper equipment to do their job. Obviously, people working for the Department of National Defence, in whatever capacity, are simply doing their job to promote the acquisition of this aircraft in their own self-interest and in the interest of the country.

Senator Mahovlich: Back in December, both Senator Cordy and I asked questions regarding the number of domestic jobs that Canadians can expect to be created thanks to this project. Since then, two months have passed and much more time and many resources have been spent studying the matter.

Can the Leader of the Government in the Senate now tell us how many jobs created for this specific project will benefit Canadians?

Senator LeBreton: Honourable senators, it has been clear from the beginning that we are working in the interests of the 80,000 Canadian aerospace industry jobs that are already here and that we want to protect for the future. Under the previous government, Canada participated in the acquisition of this particular aircraft and finally decided that we required 65 aircraft.

The important thing to note is that by Canada being in on the ground floor of the development of this aircraft, our industry will have access to supply contracts for all the aircraft that will be built under this program and not only for the 65 that are coming to Canada.

PUBLIC SAFETY

CORRECTIONAL SERVICE CANADA

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. According to a Correctional Service Canada briefing note, this government's Truth in Sentencing Act alone is expected to increase the number of women and men in correctional institutions by more than 3,400 over the next three years. That is an increase of about 33 per cent when one includes the normal growth of the prison population.

According to Correctional Service Canada, the programs that they provide will not keep pace with the increase of prisoners. Correctional reintegration programs, which include violence prevention and substance abuse programming, will see an increase of roughly 20 per cent over the next three years. The funding for offender education programs will remain the same and the funding for employment programs will drop by roughly 15 per cent.

Why is this government not ensuring that these programs keep up with the increase of thousands of new inmates?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I would argue that, in fact, the government is cognizant of the full implications of changes in the laws and legislation. We believe that the people we should be most responsible for are the good, law-abiding citizens of Canada. We think that we as a government must protect them from violent crimes or any criminal activity. We make no excuses, honourable senators, for the policies and plans of our government.

In terms of not only human resources but also resources for prisons, our approach will take into account the changing circumstances with regard to the laws that we are attempting to pass.

Senator Callbeck: The government is not keeping pace with the number of inmates which is projected to increase. It is not keeping pace with these programs that are so needed.

The minister has acknowledged the importance of the programs, but he has not committed to increasing the reintegration, education and employability programs to keep up with the increase in new prisoners.

Without these programs, the likelihood that individuals will reoffend increases. Research, including some by Correctional Service Canada staff, has shown that treatment can cut the chance of reoffending among high-risk offenders by as much as 30 per cent.

How does this government intend to ensure that incarcerated individuals leave prison and will not reoffend?

Senator LeBreton: The premise of the honourable senator's question is incorrect. I do not know where she gets the idea that we are not increasing our activities in retraining and rehabilitation. Retraining and rehabilitation are integral to the government's plans with regard to people who are incarcerated.

Obviously, it is in the interest of both the government and society that people who are incarcerated are evaluated. There are also the stepped up efforts we are making in regard to mental illness. All of those things are taken into consideration and considerable resources are being put into rehabilitation and retraining for people so that when they are released from our prison system, they are better equipped to face society.

Senator Callbeck: The leader talks about the government increasing retraining efforts. However, I have an answer to an Order Paper question from the other place which states that the offender education programs will stay the same for the next three years. There is no increase. Under the employment and employability programs, the amount will go down by 15 per cent.

How can the leader stand there and say that the government is increasing retraining efforts?

Senator LeBreton: Honourable senators, I would have to look at the exact question that was asked and the context in which it was asked.

Through the Department of Public Safety and the Department of Justice, we have launched and contributed significantly to various rehabilitation and retraining programs.

• (1400)

Obviously, honourable senators, without seeing the question in the context in which it was asked and answered, I will have to take the question as notice and look at it myself.

[Translation]

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST NATIONS PEOPLES IN
CORRECTIONAL FACILITIES

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. We know how obsessed the government is with repressive and regressive policies, which it calls its law and order policies, and which, in reality, have created havoc and social problems in all societies that have embraced this ideology — a smokescreen for the lack of economic action.

Celebrating his fifth anniversary in power, the Prime Minister dared to state:

Canadians are a fair people. They want Canadian values to mean honesty, integrity and opportunity for all.

Unfortunately, I have realized that when they speak of values for all, they are excluding Aboriginal peoples.

In fact, since this government came to power, Aboriginal peoples have been increasingly marginalized and do not seem to have the same opportunities as other Canadians, especially in our prisons. The over-representation of Aboriginal peoples in

Canada's prison population is astounding. Take the example of Saskatchewan: according to 2007-08 data from Statistics Canada — an organization that the government does not seem to appreciate — Aboriginal peoples represented 80 per cent of the remand population, 81 per cent of those in sentenced custody, 70 per cent of individuals on probation, and 75 per cent of offenders on conditional sentences. And yet, Aboriginal peoples represented 11 per cent of the province's total population. The situation is the same in Manitoba, Alberta and the Yukon.

In view of this sad state of affairs, how does the government plan to address this over-representation of Aboriginal peoples in the Canadian correctional system?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, first, I have great respect — and I think I have indicated it in this chamber many times — for the work that is done by Statistics Canada. I do not think it is proper for the honourable senator to attribute to me comments about Statistics Canada that I have never made, but that is typical.

With regard to the treatment of prisoners, there is no doubt that our Aboriginal population is over-represented in our prison system, and the government continues to work extremely hard with our Aboriginal leadership. We have expended considerable amounts of funds in all of our budgets announced thus far and passed through Parliament to increase support for Aboriginal communities, including support for education for Aboriginal youth, and providing job training and working opportunities — in other words, to create a society where Aboriginal youth have hope for their future.

I do not accept the comments of the senator that we have, as a government, turned our back on the Aboriginal community, when the facts and figures starkly say the opposite.

PUBLIC SAFETY

PARLIAMENTARY BUDGET OFFICER— COST OF CRIME BILLS

Hon. Céline Hervieux-Payette: Honourable senators, I am amazed we do not read the statistics the same way.

I want to continue talking about the government's favourite subject — crime. I thought it would be appropriate to ask the leader to justify the expenses associated with the government's crime agenda.

For example, the Parliamentary Budget Officer, Mr. Kevin Page, recently stated that he is worried about cost overruns of the new \$5 billion prison, not to mention the increased financial burden that will be placed on our prison system. By the same token, provinces will be forced to spend more than \$110 million more a year to keep inmates in jail who would have been paroled.

The government has put us in a deficit of over \$50 billion and helped increase our national debt to over \$519 billion. With those numbers in mind, how can the Conservative government claim to be competent financial managers, when it will increase the financial burden of Canadian taxpayers and increase justice expenditures to the provinces with these unnecessary crime projects that are tougher on Canadians' wallets than they are on crime?

Hon. Marjory LeBreton (Leader of the Government): First, the honourable senator and I have a completely different approach to the treatment of people who perpetrate crimes on innocent Canadian citizens. I believe that people who commit crimes should be incarcerated and penalized for their crimes. I do not believe that they should be walking around on our streets free to commit the same crimes.

I realize there was a question in the other place about the cost of the prison, and that the Parliamentary Budget Officer has raised questions as well. The government works closely with the provinces, but with regard to the costing of the prison, Minister Toews has indicated he will make these figures available shortly.

INTERNATIONAL COOPERATION

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY—KAIROS APPLICATION FOR FUNDING

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, on Monday, the minister for the Canadian International Development Agency admitted that the decision not to provide funding to KAIROS was hers, and that a handwritten “not” added to a funding application document was inserted at her direction. She wanted KAIROS and Canadians to believe that it was the CIDA officials who rejected the application, knowing full well that was not true.

This lack of transparency, accountability, responsibility and dignity seems to be the standard by which the government allows its ministers to conduct themselves. Canadians and parliamentarians alike want the truth.

My question is the following: Did the minister for CIDA add the word “not” to the KAIROS funding document at the request of the Prime Minister's Office?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will put that question at the top of the ridiculous questions I receive in this place.

It is interesting, honourable senators, that there is now a new definition of scandal, according to the Liberal Party. In their days, when millions of dollars of taxpayers' money was used, stolen or handed to their friends, that was not scandal. In our case, when a minister takes a decision in the interests of the taxpayer and saves taxpayers' money, that is a scandal.

Hon. Jane Cordy: Honourable senators, I have a supplementary question. I think scandal means deception and dishonesty.

Minister Oda stated that the decision not to fund KAIROS was based on the advice of officials in her department. We know that the minister's comments were not true.

We know that the department believed that taxpayers' money would be used effectively by KAIROS, a Christian church coalition. It would be used to help the poor in developing countries.

Who made the decision to falsify the document? Who wrote "not" on the document? Is Minister Oda protecting the Prime Minister's Office in this deception?

Senator LeBreton: Honourable senators, the minister has been clear. She made the decision, as is her responsibility, in the interests of good governance. She made the decision not to fund KAIROS and it was the right decision.

If the honourable senator goes back and checks the record of the minister's appearance and the CIDA officials' appearance before the committee, she will see that Ms. Margaret Biggs, President of the Canadian International Development Agency, said — and this is a true statement:

Yes, I think as the minister said, the agency did recommend the project to the minister. She has indicated that. But it was her decision, after due consideration, to not accept the department's advice.

This is quite normal, and I certainly was aware of her decision. The inclusion of the word "not" is just a simple reflection of what her decision was, and she has been clear. So that's quite normal.

I think we have changed the format for these memos so the minister has a much clearer place to put where she doesn't want to accept the advice, which is her prerogative.

That is the head of CIDA. It cannot be much clearer than that.

• (1410)

Senator Cordy: Honourable senators, the minister has every right to make the final decision. The minister does not have the right to act in secrecy and to deceive the people of Canada. These actions by Minister Oda show contempt for the people of Canada.

The Prime Minister and this Conservative government believe it is perfectly fine to falsify a document, to not tell the truth to Parliament, and to mislead Canadians. This deception of who has made the decision is becoming more common under this Prime Minister and this government.

Is this the Prime Minister's definition of an open, transparent and accountable government? The Canadian people deserve better.

Senator LeBreton: Honourable senators, the minister did not falsify those documents. She very basically stated what she stated all along, that she did not support the application going forward.

When I was the Minister of State for Seniors, I would get recommendations from the department for spending money here, there and everywhere. There would be a line that stated, "Do you concur?" I would write, "I do not concur." That did not mean I falsified or altered a document; I simply expressed my view that I did not agree with the bureaucrats.

That is what Minister Oda did and that is what she should be doing.

Senator Cordy: I understand that there would be a line to allow the leader to not concur, but did she, as a minister, ever insert the word "not" after the document had been signed by officials in her department?

Senator LeBreton: Honourable senators, I would get the signed document from the department officials making a recommendation, and I responded to them that I did not agree. That is what ministers are supposed to do.

Hon. Lillian Eva Dyck: Honourable senators, I find this to be incredible. When we fill out a form and send it to the Senate's Finance Directorate, for example, we have to initial it if we make a change. Why is it that, with something like this, that one does not have to put initials on the document if one puts in a word like "not," which has changed the decision dramatically?

For a government that is supposed to be accountable and transparent, it seems like initialling was so transparent that it has become invisible.

Senator LeBreton: Honourable senators, I will answer that by again reading into the record what Ms. Margaret Biggs, President of the Canadian International Development Agency, said:

Yes, I think as the minister said, the agency did recommend the project to the minister. She has indicated that.

She acknowledged that.

But it was her decision, after due consideration, to not accept the department's advice.

This is quite normal, and I certainly was aware of her decision. The inclusion of the word "not" is just a simple reflection of what her decision was, and she has been clear. So that's quite normal.

I think we have changed the format for these memos so the minister has a much clearer place to put where she doesn't want to accept the advice, which is her prerogative.

In other words, Ms. Biggs is saying that in the future, the format of these documents will be changed. However, she fully supports that it is the minister's decision and said it is not abnormal.

Hon. James S. Cowan (Leader of the Opposition): Did the minister insert the word "not" before or after she signed the document?

Senator LeBreton: Honourable senators, the facts are simple. The minister took responsibility for her role as minister responsible for CIDA and indicated that she did not support this application. That was her decision and it was the right decision in the interests of taxpayers.

As I have said in this place many times, just because organizations have received money since the year dot, such funding does not have to go on in perpetuity. There are other very worthy organizations. This particular minister has done extremely good work and she has worked hard to help millions of people around the world to get the help and assistance they require in their time of need.

The KAIROS application was not supported. That is her prerogative. There are millions of people who have benefited from her good decisions in other areas.

Senator Cowan: Honourable senators, I will try it another way. When was the word “not” inserted in relation to the time the minister signed the document?

Senator LeBreton: Honourable senators, I will repeat again that this was the decision of the minister. The minister appeared before committee. It has been backed up by the President of CIDA. I have nothing more to say about the matter.

Senator Cowan: There is no question it was her decision, Madam Leader. Someone inserted the word “not.” She was not sure whether she had done it or if it had been done at her direction. When was that word inserted in relation to the time that she signed the document? It is a simple question.

Senator LeBreton: Honourable senators, the minister made the decision not to fund KAIROS. That was communicated in the document, as the President of CIDA said. I think the explanation of the minister and the President of CIDA is more than appropriate.

Senator Cowan: Honourable senators, I will try this again. I think the minister acknowledged it was done at her direction and she cannot remember if she did it herself or if someone else did it at her direction. I do not care who did it, but at some point someone inserted the word “not.” At some time, the minister signed the document. We agree that she signed the document and we agree that someone, maybe the minister or someone at her direction, inserted the word “not.”

All I want to know is the time relationship between the insertion of the word and the signature. It is a simple question. If the leader does not know the answer, would she please find out and report to the house?

Senator LeBreton: I will repeat the words of Margaret Biggs:

This is quite normal, and I certainly was aware of her decision. The inclusion of the word “not” is just a simple reflection of what her decision was, and she has been clear. So that’s quite normal.

End of story.

Hon. Terry M. Mercer: Honourable senators, I have had the privilege of being the executive assistant to a cabinet minister in the past. I have had the privilege of being the national director of a major political party. I have had the privilege of being the head of a number of charities in Canada, all of which has allowed me the privilege to sign contracts and agreements. I have also witnessed the signing of many agreements.

I do not remember anyone ever putting an agreement in front of me or any cabinet minister whom I may have worked for where the minister or I said, “I do not agree with this document, so I will sign it and then say ‘no’.”

The leader said today that when she was the minister responsible for seniors that sometimes she would disagree with recommendations by the bureaucrats. She is right. As Senator Cordy said, we do not deny that would be her right as minister. If the leader disagreed, can she tell me this: In her disagreement, did she then say, “Look, I do not agree with this” and then scribble her signature on the signature line, or did she just write in the margin — as most people would — or in some other manner indicate to the bureaucrats that she did not agree with it and ask them to please take it back?

She would not have signed it. Signing it indicates consent to what the document says. I am not a lawyer, but I or anyone else in this place who is not one, or anyone in the Canadian public, would tell the leader if a person signs a document then that means it is being agreed to.

Therefore, why would Minister Oda sign this in the first place? Why would anyone do that?

Senator LeBreton: Honourable senators, I am really amused by this question. On the topic of signing things, what about selling a whole golf course and signing the agreement on the back of a napkin in a restaurant?

Senator Mercer: One of these days the leader and the government will start taking responsibility for the actions that have happened since this government came to power. This is about an issue that has happened since this government came to power.

• (1420)

Simply put, as my good friend Senator Dyck said, it is common practice that if someone makes a change to a document, they initial it. However, that is another argument. Frankly, in most documents, if one does not agree with it, one does not sign it. Why did the minister sign it? It indicates to the public and everyone else that after she signed it, something intervened. Something intervened in her thought process — probably an order from the Langevin Block; probably one of the messenger boys from the Langevin Block came over and said, “We do not want you to do this because we do not like KAIROS, so you are going to have change that.”

Then she, or someone else, inserted the word “not.” Why did the minister sign the document in the first place?

Senator LeBreton: Honourable senators, these theories are similar to when the honourable senator's side perpetrated the vote on Bill C-311. Somehow, in that instant, the Prime Minister's Office was giving us all advice here. That is how ridiculous that theory is.

The minister has been clear both in the House of Commons and in committee. She has been clear that these kinds of decisions are the responsibility of ministers. She used her responsibility as minister. She made the right decision in the interests of Canadian taxpayers. Again, I will repeat the words of Margaret Biggs, President of CIDA, who said:

This is quite normal, and I certainly was aware of her decision. The inclusion of the word "not" is just a simple reflection of what her decision was, and she has been clear. So that's quite normal.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed answer to an oral question raised by Senator Mitchell, on February 2, 2011, concerning the environment, climate change policy.

THE ENVIRONMENT

CLIMATE CHANGE POLICY

(Response to question raised by Hon. Grant Mitchell on February 2, 2011)

Our government fought and won the last election by rejecting the Liberal Leader's carbon tax. Our opposition today is the same today as it was then: a carbon tax is a reckless measure that would kill Canadian jobs in the middle of a global recession.

It is important to note the interviews on which the report in question is based took place in 2009 when the United States was still seriously considering national cap and trade. The U.S. is now pursuing a regulatory approach, marking a significant change in the policy context for Canadian business. Moving ahead with a grand national cap and trade scheme when our largest trading partner is taking a regulatory approach would be a very risky proposition.

Our government recognizes that industry is seeking certainty on greenhouse gas regulation to support investment decisions. We will work with industry to provide that certainty, taking a regulatory approach aligned with the U.S. where it is important to do so. We are consulting with industry and will move ahead with regulatory initiatives that are aligned with the U.S. where it makes sense for us to do so.

ORDERS OF THE DAY

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the order:

Resuming debate on the motion of the Honourable Senator Rivest, seconded by the Honourable Senator Lang, for the second reading of Bill C-288, An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions).

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have a question for my honourable colleague, Senator Comeau.

I have received a letter from André Gilbert, General Manager of Boisaco, in Sacré-Cœur, Quebec. Mr. Gilbert says he is surprised that Bill C-288 still has not passed second reading stage in the Senate, since the bill has been before us since May 6, 2010.

Given that an opposition senator and an independent senator have already spoken to this bill, can you tell me, in this chamber, when the government plans to speak to this bill?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, that is an excellent question. We will speak to the bill on March 1 or 2.

[English]

Hon. Catherine S. Callbeck: Honourable senators, this bill stands in Senator Comeau's name, but I have spoken to him and he has agreed that I can speak to it and then leave it adjourned in his name.

I want to say a few words about Bill C-288, An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions). This legislation offers new graduates a tax incentive to stay in designated areas of the country that are economically depressed and to contribute both socially and economically to the area.

The idea behind this legislation is not new. Incentives have been used in a number of provinces, including Saskatchewan and Quebec, and I understand they have been successful.

Honourable senators, we should all know by now the importance of rural Canada. A quote I have used in the past from a report of Standing Senate Committee on Agriculture and Forestry best sums it up:

We believe that rural Canada matters a great deal for a number of important reasons. One of these is the fact, frequently mentioned by our witnesses, that rural Canada remains a crucial part of this country's economy. Rural Canada is where we produce the vast agricultural... mineral... forestry... fisheries... and energy... wealth that pulses through our urban centres.

This quote stresses the importance of our rural areas across this country.

I support this legislation because I believe it is a step in the right direction, even though it has issues. One of them is that the list of regions that are designated as economically depressed is based on a piece of legislation, the Regional Development Incentive Act, which is nearly 30 years old. I am sure that if this bill gets through second reading, the committee will want to look at this list and update the definition of "depressed region;" as it stands, this list now includes most of the country, except for a few of the large cities.

For years, we have been trying to bring businesses to rural Canada by different types of incentives, including tax credits. Why do we not provide tax incentives to new graduates, who are needed to help run these businesses?

People in rural Canada are aging. They need a variety of supports. Honourable senators, take, for example, health care. We need health care professionals to provide that support and expertise. If these supports are not there, more and more people will leave their communities, and rural Canada will continue to become weaker.

Honourable senators, we must encourage the redevelopment of our rural communities. I support this legislation, which I believe has the potential to benefit the rural areas and will encourage young people, through the tax system, to work in rural Canada and contribute both socially and economically to that area.

(On motion of Senator Comeau, debate adjourned).

NATIONAL HOLOCAUST MONUMENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Boisvenu, for the second reading of Bill C-442, An Act to establish a National Holocaust Monument.

Hon. Mac Harb: Honourable senators, I am pleased to speak to Bill C-442, a bill that was passed unanimously in the other place and that I believe will receive the same unanimous support here in the Senate.

Of all the preambles to legislation I have read in my many years on Parliament Hill, the opening paragraphs of Bill C-442 conjure up the darkest and most horrific images — of genocide, of hate crimes and of the unimaginable suffering of those affected by the actions of the Nazi regime.

Within that same preamble, there is a call to action. Allow me to quote:

Whereas the establishment of a national monument shall forever remind Canadians of one of the darkest chapters in human history and of the dangers of state-sanctioned hatred and anti-Semitism;

And whereas a national monument shall act as a tool to help future generations learn about the root causes of the Holocaust and its consequences in order to help prevent future acts of genocide;

Honourable senators, to remind and to teach — that, I believe, lies at the heart of the *raison d'être* for this national monument.

• (1430)

My colleague the Honourable Member of Parliament for Mount Royal in the other house said it best when he pointed out that this discussion was taking place at a particularly apt moment — "... a moment of remembrance and reminder, of witness and warning."

This phrase "of remembrance and reminder, of witness and warning" defines precisely the role that this monument will play in our national capital.

Building a national Holocaust monument takes all of our lofty sentiments and speeches and ensures that they will be more than words, more than promises.

[Translation]

Once the monument is built, we will have a tangible, daily reminder of Canada's intolerance toward hate-filled ideologies. The monument will teach future generations about the root causes and consequences of the Holocaust. It will help to prevent future acts of genocide.

It will remind and inform visitors of Canada's long-standing values of freedom, democracy, and the defence of human rights at home and abroad. It will serve as our commitment to vigilance and to timely action as part of the international community.

[English]

Honourable senators, anti-Semitism has plagued the world for centuries. Taken to its most far-reaching and violent extreme, the Holocaust, anti-Semitism resulted in the deaths of millions of Jewish men, women and children, and the suffering of countless others.

According to the *Report on Global Anti-Semitism*, more subtle forms of anti-Semitism continue to disrupt lives. For an increasingly interdependent world, anti-Semitism is an intolerable burden.

Honourable senators are aware that Canada has its own guilt to carry. Seventy-two years ago, in June, 1939, the *St. Louis*, a German ocean liner carrying 930 Jewish refugees, was coldly turned away from the American and Canadian coasts. For far too many of those refugees, hope was lost.

More recently, B'nai Brith Canada has drawn our attention to the verbal and physical attacks perpetrated against Jewish students at university campuses across Canada.

Education remains a strong antidote for anti-Semitism and other forms of intolerance. In 1998, the Stockholm Conference addressed the serious concern about the fading awareness of the Holocaust, in particular among the younger generation. Out of this concern, the Task Force for International Cooperation on Holocaust Education, Remembrance and Research was born.

Honourable senators, Canada is a member state of this intergovernmental body and is committed to remembering the victims who perished, to respecting the survivors and to reaffirming humanity's common aspiration for mutual understanding and justice. This monument will help Canada in its effort to fulfill this pledge.

Honourable senators, since opening in 1993, some 30 million visitors, including more than 8 million schoolchildren have visited the United States Holocaust Memorial Museum, in Washington, D.C. I have visited that museum, along with an outstanding community leader, named Eric Vernon, I learned more and I know more.

The museum has also contributed to symposiums such as that held in November 15, 2010, in Paris. At this international symposium, leading genocide prevention and human rights officials and experts from around the world gathered to assess the current capacities of government to respond effectively to genocide and mass atrocities. Their goal was to recommend strategies to enhance international cooperation.

Canada's role in these international efforts can be enhanced with increased awareness and understanding here at home. The Canadian Holocaust Memorial Project is organized by a group of Canadians dedicated to the creation of this monument. This group will, as the second stage of the project, be developing a national strategy in order to educate Canadians on the effects of the Holocaust and to ensure that the event remains in Canadians' minds.

I do believe that the physical presence of the monument will be a springboard for further initiatives to educate and inform Canadians.

[*Translation*]

Honourable senators, Canada is home to some 16,000 Holocaust survivors, many in their 80s. Time is of the essence.

These survivors deserve to see this physical manifestation of Canada's support and of its pledge to remember, in their lifetime.

Canada is one of few western nations without a national tribute honouring victims and survivors of the Holocaust. Austria, France, Germany, Sweden and the United States have such memorials.

The Canadian Jewish Congress and B'Nai Brith have expressed their support for this bill and its goal of creating a national monument to commemorate the Holocaust.

[*English*]

Honourable senators, we cannot be complacent. We have only to look to Rwanda, to Bosnia, to Darfur, or to the all-too-common acts of vandalism and violence that continue to arise out of hatred and intolerance to know that as Canadians, we must be vigilant and proactive.

I commend our colleagues in the other place for finding unanimity on this bill. I believe there is a singularity of purpose in this proposed legislation that transcends partisan lines. I encourage every honourable senator in this chamber to support this worthwhile and important legislation.

(On motion of Senator Tardif, for Senator Fraser, debate adjourned.)

• (1440)

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 1, 2011 at 2 p.m.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, March 1, 2011 at 2 p.m.)

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